

The Banders disbanded

Or

AN ACCURAT DISCOURSE

Solidly and plainly Demonstrating

How Inconvenient, ~~scandalous~~ & sinfull it is, in the present
Circumstances of the Church of Scotland,

For *Ministers of Christ* there, that they may obtain a pretended *Liberty* to *Preach* and Administer the Sacraments, in
such and such particular Paroches, To give *Bond* to their
present Rulers, *That they shall live peaceably:*

Or

For others, in their name and behalf, to *Bind* to the said Rulers for their *peace-
able living*, & to *present them when called so to do*, & in case of faillzie
to underly a great penalty:

And so

Discovering clearly the great unfaithfulness of The Affirmative Vote, of the late
Meeting of Ministers at Edinburgh, (Anno 1679.) concerning the Lawfulness
of giving the Bond then presented by the Council:

A S A L S O

*Occasionally holding forth many considerable Truths very necessary to be
known & pondered in these dark & difficult Times.*

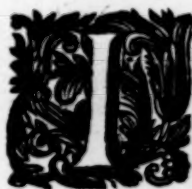
Printed Anno. M. DC. LXXXI.

0-1960-15-795-8

A L E T T E R

Concerning the *Bond*, tendered by the *Council* of *Scotland*, to some *Presbyterians* there, in the Year 1679.

S I R



Find now too certain what was reported, of that Meeting of Ministers at Edinburgh, their allowing by Vote the Peoples giving that Bond of surety for the Minister, required in the Proclamation, and have also got a double of the Bond it self. I hear the Meeting had severall communings and tamperings, with the Members of the Council, anent this busniess, by some of their number, whom they appointed to wait upon them from time to time for that purpose. What was the matter of their Communing, or to what end, I cannot well tell; However when at last the Brethren, who were appointed, returned, the meeting after some sort of Conference among themselves upon the present Favour (as they terme it) granted by his Maj. bearing a liberty for Presbyterian Ministers to exercise their Ministry, did generally Conclude (and that ere ever they had seen the Bond) That *they found no Reason why the People might not give security at this time for a Ministers peaceable behaviour.* And upon an other day alterward, it is again Concluded as followeth: *The meeting having considered the bond of security as now presented by the Council, find nothing therein to alter their former determination affirmative.* I hear there were severall and these of the most eminent, who endeavoured to prevent this determination & were for the negative when it came to be voted. Sir, my charity toward many of these Brethern would scarce suffer me to beleieve, That ever they would have tabled such a question to be debated in so publick a Meeting, far less affirmatively determined it. But finding it now (as I said) too certain; and this being the thing wherein you desire advice, I have the more freedom to return an answer, when I have first told you that the newes of these two Votes was so surprizing, that I was made a little to sit down as one astonied at the Report, yea & my grieved soul is so overprest, that I am in a strait whether to say any thing or be altogether silent, and what or how to express my self if I say any thing. Alas! is it come to this in the Church of Scotland? That so many wise men, and who by Office are seers to the Church, did see no reason why such a Bond might not be given to these who now require it, and that as a signe of the

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Churches subjection to that power which they have assumed over it; yea & at such a juncture when the Cry of the Souls under the Altar, who were slain for the word of God & the Testimony which they held, was so much increased by reason of their blood which these had recently shed. O! where is now that single eye wherewith our former Seers saw of old, who found valid & convincing Reasons for refusing bonds of far less import to the Cause & Churches prejudice? O! where is the discerning of some of these same Reverend Brethren, who have perceived snares more covertly hid then now they are, when the snare is so openly spread in the sight of the bird? Did so many Brethren, convened in a generall Meeting, find *no Reason* why such a Bond as this ought not to be given? Was there no evil, nay, nor so much as the appearance of evil to be found in it? Was there no ground, nor so much as an occasion of offence in it? Was there nothing in it, that might occasion a new breach; and also widen & render the former more incurable? Was there nothing in it, that might be supposed would grieve the hearts of many of their dear Brethren, and many others dear to God; the grieving of whom ought not to have been despised? Could these Brethren suppose, that the passing such a Vote would indeed satisfy all the rest of the Non-conform Ministers & Church of Scotland? or that their determination *affirmative* would (or ought) also determine all the rest? Was there nothing to be found, in yielding to give this Bond, that might occasion both Ministers and Ministry to become yet more vile, and contemptible in the eyes of this evil generation? Was there nothing in it of a dangerous preparative, of wreathing & continuing a yoke of bondage, upon the necks of Christs free Ambassadors, unto the generations to come; & a bad copy to all other Magistrates to impose the like Bond, upon faithfull Ministers of the Gospel. Was there nothing to be found therein, that might prove a probable, yea unavoidable temptation to Ministers their being unfaithfull in delivering the whole of their Masters message, & declaring *all the Counsell* of God? Was there nothing in it, to scarr & dererre, both Ministers & people (or so much as to put them in some demurre) from giving a Bond, upon such an account, as the like therof was scarce ever required, far less yeilded to by any Church or Church-men to this day? Ah alas! That ever the Ministers of Scotland should have been the first, that ever trode in this strange and untroden path! Was there no hazard of confirming, & encouraging the Rulers, in all their iniquous Impositions of this nature? Yea was ther nothing in it, that might at least be interpreted a direct condemning many Worthies, both Ministers & others, as being ignorant scruplers & preposterously zealous for undergoing the outmost of sufferings, ere they would engage in the like bonds? Ah! whither have we not caused our shame to go? O! if it were possible to prevent, or stop the spreading of this Report, for preventing what further disgrace is like to be cast upon all the Ministers of Scotland; for whoever hears of this will count all alike, seeing the thing was both publickly voted by a Meeting of Ministers, assuming to themselves the name of a *Generall Assembly*; yea & of the Representative of the Church of Scotland. As also no publick dissent or Protestation entered against the same. In the mean while I am not a little refreshed by this, that it is not as you & I heard at first, That few Ministers in Scotland would be against that Vote; for after tryall there will.

will be found, I hope, rather few to approve thereof, yea some of themselves who then agreed, do already wish that it had never been tabled in that Meeting. And before I proceed, I must tell you that severall wanted not their fears, that not a few of that Meeting, as it was then constituted, would be ready enough to declare themselves for such a Bond, whenever they should have occasion for that effect; and there was too good ground for this, Considering 1. How we have provoked the Lord, by our former cedings & unfaithfulness, to give us up to walk in conffells of our own. 2. How Ministers & their Ministry have been brought under so much subjection, to the Civill Magistrate already, by closing with & embracing the two first Indulgences. 3. That so many Ministers in Scotland had laid themselves aside, from the publicke exercise of their Ministry declining & shifting to preach under the Crosse, these many years past. 4. What secret grudgings, emulations & whisperings, now & then vented by some, in sharp & bitter Invectives against their Brethren, for supplying the desolate parts of our Church, by transient visits, in this disturbed state; being neither willing to labour themselves, or that others (though upon their perill) should supply their defect; but rather with the Common Enemy despising & reproaching their persecuted Brethren, as dis-orderly walkers fotters of the people in an ignorant zeal, leaders of them into separation & fomenters of division; and too often decrying, extenuating & undervaluing all the glorious & signall appearances of the power of God, at these meetings, & the singular blessed effects, which were produced by the right arme of the Lord in the Ministry of their Brethren, who were despised in the eyes of the world, & too much also in theirs. 5. How these generall Meetings were called together since the late doolfull & sorrowfull dispensation, which was at first by a few, and these such as had little concerned themselves in the desolations of the Church, during the time of the bypast persecution, till the late Proclamation for this new liberty or Indulgence. 6. How the leaven of the two first Indulgences hath wrought till it had neer leavened our whole lump, that severall who profest once to be clear & peremptory against it, & some who then had the offer, and refused to accept, of late were become favourers of & pleaders for it. 7. What eager longing too many had after some new Indulgence, as hath been manifest from the expressions & carriage of some, which did clearly shew their readines to imbrace the first offer that might come in their way. *Lastly* if we consider the Constitution of the late meeting who past this Vote, That it was for the most part made up of Indulged, avowed Applauders of the Indulgence, or uniter-hand Approvers & favourers of the same; yea and some of them vigorous Contenders for these old publick Resolutions, which was a signall step of the Church of Scotlands declining, and who were active persecuters of their dissenting Brethren at the time of that temptation. I say an impartial Reflexion upon these & the like Considerations may make it seem lesse strange, that such a Vote did so easily passe at that Meeting. But seeing you desire to have an account of my Thoughts anent this new Liberty, & the method prescribed to Ministers for entering to Congregations by petitioning the Council & giving this Bond of surety, And whither the people may concur in calling Ministers who will enter this way, I dare not shun to communicate what light I have therein, though most unfit of many, and as averse as any from enter

ing into a Contest wherein I am necessitat to differ from so many Reverend Brethren, whom I highly honour in the Lord, & who have deservedly been esteemed in the Church; yet I cannot but bear my Testimony against what sin & snare I see in this, as I would not partake of other mens sin; And shall in obedience to your Desire (if it may be of any use for further information to yow or others who are carefull to keep themselves from the Contagion of this current Defection) speak alittle to this sad subject, and hold forth what Reasons do at present occur to me against the giving or allowing to give that Bond for Ministers to obtain this new Indulgence: And in order thereto, I shall propose this method; 1. I shall lay down some Generalls previously to be considered; 2. a word to the Liberty granted to Ministers by the Civill Magistrat. 3. Some things by way Explication of the Bond. 4. Propose the state of the Question, & draw forth some Reasons for the negative. 5. Answer briefly to some Objections. And lastly for obviating Mistakes, I shall point at some of our Principles anent the Civill Government.

As to the First, I shall touch only upon such generall Considerations as are most conducible to my present scope of arguing against giving this Bond in the present Case. And 1. Let us reflect upon some Positions of the Reformed Government of our Church called Presbyterian, as: (1) This Government is not of a temporall or Civill nature, but purely spirituall, and to be exercised *modo spirituali*; and consequently, (2) It is a Government specifically distinct from & independent upon the Civill Government, and neither to be confounded therewith nor subordinat thereto, either in the power or exercise of the power. (3) This Government is not Monarchicall, save only in the Head Christ; Nor Hierarchicall, or prelaticall; nor Democraticall; nor Magistraticall, nor Ministeriall; & to be exercised in an immediate subordination to Christ as sole Head, King & supream Governour of the Church & Instituter of this Government. (4) That this Government of the Church is to be exercised by a plurality of Compresbyters, or as wee use to say *Communi consilio & consensu Presbyterorum*, not by any single person (it is given *Unitati non uni*) nor at all by the Civill Magistrat. (5) That the tryall & judging of the Qualifications & fittedness of men for the Ministry, as also the power of Conveying a Licence to Preach, or the porestative Mission to the Ministeriall function (being acts of Ecclesiastick order and Jurisdiction) belong only to Church Officers in their Classicall or Synodicall Meetings. (6) As the tryall & judging of a Persons fittedness for the Ministry in generall, so the tryall & judging of Ministers Qualifications & fittedness for the exercise of their Ministry, to the best edification, in such or such a particular Charge or Congregation belongeth only to these Church-Officers. And therefore (7) the power of transplanting or loosing Ministers from one particular Charge & fixing them in another, is proper only to Church-Officers as an intrinsicke act of the power. (8) As the power or office of the Ministry is given authoritatively from Jesus Christ alone, who ascended on high and gave gifts to men, & this great gift of the Ministry unto the Church, to be conveyed by the Presbytery; so by the same Conveyance, he gives them the exercise & liberty to the exercise of the Ministry, (for it is frivolous in this case to distinguish between the Exercise & Liberty to the exercise, at least as to their Rise and Conveyance, as some doe) and therefore neither the office, nor the exercise

exercise of the Office, nor liberty of the exercise thereof dependeth upon, and so are not subordinat to, nor to be begged from the Civill Magistrat. (9) That the Magistrat hath not a power or right to prescribe to, or impose upon Ministers (who are the Ambassadors only of Christ) Instructions, Rules, Restrictions or limitations, to regulate them in the exercise of their Ministry, especially when these Impositions proceed only from, & are founded upon the Magistrats assumed power & supremacy in Church-matters, & have no other ground or reason whereupon they can challenge Ministers their obedience & subjection thereto. And therefore (10) That Ministers are not accountable to the Civill Magistrat in the exercise of their ministeriall function, or in the administration of affaires purely spirituall & ecclesiastick, formally and *prima instantia*.

A II. Generall consideration we may reflect upon, is : The supervenient Engagements & Obligations to God which ly & specially upon us of the Church of Scotland, by our solemnly sworn Covenants, for the maintenance & defence of this Presbyterian Government, & the rest of the work of Reformation in all the principles thereof; And, that we shall without respect of Persons endeavour the extirpation of Popery, Prelacy &c. and *whatsoever* is contrary to sound doctrine & the power of Godlines; And that we shall assist & defend all these that enter in to this Covenant, in the maintaining & pursuing thereof, and shall not suffer ourselves directly nor *indirectly*, by what soever Combination, perswasion or terror, to be divided or withdrawn from this blessed Union; but shall all the dayes of our life *zealously* & constantly continue therein, against all opposition; & promote the same according to our power against all lets & impediments whatsoever; and what we are no able our selves to suppress or overcome, we shall reveall & make known, that it may be timely prevented or removed: &c. All which we shall do as in the sight of God. Which Covenant hath frequently been renewed in this Church, and the breach thereof often publicly acknowledged, and we solemnly engaged again to the duties therein contained; as may be seen particularly in that Paper called *A solemn Acknowledgment of sins & Engagements to duties*, wherein we are expressly engaged, amongst other Errors, against *Schisme, Scepticisme & Erastianisme*.

A III. *Generall* to be Considered, is: The manifold Encroachments, Invasions & Usurpations made by the Civill Magistrat upon the Royall prerogatives of Christ, the Intrinsic priviledges of his Church & the just freedom of his Ambassadors, by many iniquious Lawes, Acts & Edicts, especially of late, together with all their vigorous endeavours by open force & subtile Insinuations, to putt these lawes in execution, and to advance this designe of bringing the whole Ordinances of Christ, & Officers of his House in subordination unto, & under the Check, Censure & Regulation of the Civill Magistrat, and so putt themselves in actual possession of what is assumed and settled by law. Many Instances of their endeavours to this effect might here be given, especially these late years by past; and of their too successfull prevailing by Church-mens ceding thereto, wherof I shall for present only give these following: the First relating to the Prelates, as (1) their altering of the Church-Government from what it was by Christ's Institution & the practice of the pure primitive times into a Government of Humane Invention & Lordly domination over the Lords Inheritance contrary to the word of God.

(2) The

(2) The Prelats were sett up & established, & the power of Ordination is conveyed unto them from the King, as having right by his Royall Office to all the externall Government of the Church. (3) The Kings giving them their Patents empowering them to exercise that pretended Church-Office, making them accountable in all their Ecclesiastick Administrations to himself as supreme Governour of the Church. A Second Instance we have in reference to Presbyterian Ministers, as: (1) Turning them out of their particular Charges for not taking Presentation from the Patron & Collation from the Prelates: and for this Cause by Act of Parliament declaring their Churches to be *ipso jure* vacant. (2) Discharging them absolutely to exercise any part of their Ministeriall function within this Church. (3) Raising & dissipating all their Church-Iudicatories of Presbyteries Synods & Gen. Assemblies. (4) In the matter of the two Late Indulgences to Presbyterian Ministers, wherein we may take notice of severall grievous encroachments upon Christs prerogative & his Churches priviledges, as: (1) this Indulgence is granted and deduced from the Kings supremacy in Church-affaires, & conveyed by the Council; as is clear from his Maj. Letter to the Council whereupon the Indulgence is founded, and as the Narrative of the Warrants given to the first Indulged, doe bear in these words, *In pursuance of his Maj. Commands signified by his Letter of the 7th of June 1669, &c.* (2.) The King by his Conncill doth nominate & elect according to his sovereign pleasure certain of the outed Ministers, as were judged by them most fitt; & qualified, to be appointed, or readmitted to the exercise of their Ministry, and by that same power & pleasure excluding or passing by the rest as unworthy and unqualified for receiving that power or warrant, interdicting them any exercise thereof under all highest pain. (3) By this Indulgence he fixes or admits them to exercise the function of their Ministry in what particular flock & paroch he pleaseth to assign, though under the notion of a Confinement. (4) He restricts them in the exercise of their Ministry to these particular Paroches, inhibiting them to preach else where in the Church. (5) With these Restrictions he gives them also severall Canons or Rules, to regulate & direct them in exercising their Ministeriall office. (6) All this is done without either advice or consent of the Church, or any of her Lawfull Officers, but at his Maj. sole pleasure as supreme in all Causes. (7) The Indulged Ministers have been frequently called & conveyed before the Council, to give an account, How they had observed these Injunctions which they had received from them, & severely rebuked, yea & some of them sentenced, by being silenced & deposed for alledged disobedience to, or non-observance of the same; And this is done according to the tenor of the foresaid Letter, as in these words *To turn them immediately out in case &c.* A Third Instance we have in all these severe acts & cruell Executions following thereupon, against many other Ministers, for presuming to exercise their Ministry (though in a case of so urgent necessity, & upon so earnest Calls of the People) without that licence or warrant which was granted to the Indulged.

A IV. General previously to be considered, is: The faithfull, zealous, laborious & constant wrestlings & contendings, by manifold Testimonies, Protestations, Declarations &c. of our faithfull & worthy Predecessors, in defence of their foresaid Prin-

Principles of Presb. Government, and their peremptory withstanding any thing which they perceived might in the least tend to bring the Government or Ministry under a subordination or accountableness to the Civill Magistrat, faithfully & courageously witnessing their resentment of any attempts tending that way; by their frequent dissentings & protestations against any acts or Conclusions insinuating such Attempts in Corrupt Assemblies, & against the very Constitution of some of them upon that account; & by their frequent presenting of Grievances to the King, Councill & Parliament, yea & sometimes entering Protestation at the Crosse of Edinburgh against proclamations declaring the King to be suprem e Iudge in Church-matters, & that none should appeall from him & his Councill. Many such Instances may be produced: Neither have we wanted witnesses in our own time, both at the breaking up of the last Reformation from Prelacy, and also since the late Revolution & overturning of the work of Reformation, who have protested & given testimony against all such encroachments & usurpations: And though alas! we cannot produce any joynt Testimony under our hands, against all the horrid Invasions made upon our Royall Masters prerogative & his Churches Rights, since the last overturning; yet some have adventured to witness practically & particularly against these usurpations & testified their maintaining of their Ministeriall freedom, who with blessed success under manifold hazards & hardships, have often ventured upon the publick exercise of their Ministry both in houses & fields, contrary to all these Law-Interdictions, without any licences or Indulgences from the Civill Magistrat, or coming under bonds to him; nor out of any contempt of his authoritie, but meerly out of the conscience they had of an indispenfable duty, That they might make full proof of their Ministry, in such a crying necessity of the Church, and that thereby they might also witness they held their Ministry from Jesus Christ alone their only Lord & Master, and their dependence only on him, both as to their office, exercise of the office, & liberty to the exercise thereof.

Thus having laid down these few Considerations, to be reflected on it would seem to me, that any who would be at pains duly to ponder the same, needed no further argument to make the very name & notion of whatsoever Bond of surety required by the present Rulers (& that as a Condition of admitting Ministers unto the exercise of their Ministry) most odious & detestable at the first view; and yet more odious, to engage in such a Bond as is now required; & most of all, that the giving of such a Bond should be decided & declared by a publick vote of Ministers to be lawfull & warantable. But now a word to the liberty.

As for Liberty in generall, which Ministers have granted unto them by the Civill Magistrat for the exercise of their Ministry, it may be considered either *abstractly* in it's own nature, or *relatively*. 1. Abstractly or absolutely, it may be taken either *positively* or *negatively*. Positively I understand it, whereby the Civill Magistrat (by vertue of his Magistraticall authority) doth Command & allow all the Ministers within his Dominions freely to exercise their Ministry according to the word of God, for the edification of his subjects. *Negatively* as it is a bare permission, or rather a not-hinder'ing of Ministers to exercise their Ministry. 2. This liberty may be considered *relatively*; And that 1. as it relates

to the lawes made against it. 2. To the Magistrat who grants it. 3. To the persons of the Ministers who accept it. 4. To the places of their Ministry. 5. To the Ministry it self, And 6. as it relates to this present Bond.

1. Then, as this liberty relates to the lawes made against it, it may be considered in a threefold sense: (1) as it is the totall removing & taking off of a Law-restraint, that is, a rescinding & quite annulling such lawes & Edicts as are made in prejudice of it. (2) As it is only a suspending of the Execution of these Lawes (which is indeed a removal of the legall restraint *pro tempore*) and that during the pleasure of the lawgiver. (3) As it is simply a not executing of these lawes; which may be either out of negligence or Connivence; for instance the liberty which many Ministers have had (or rather taken) to preach since this late Indulgence, and yet have not given up their names to the Councill, nor found Surety according to the Proclamation: which three sorts of liberty may & ought (in so far as it is a liberty) to be embraced & improved by any Minister of the Gospell.

2. This liberty may be considered with respect to the Magistrat who grants it, who (1) may either be an open & avowed Enemy to the work & people of God, or a protest friend thereto; If an avowed Enemy, then the liberty granted is the more to be suspect, but cannot upon that only account be rejected, if in itself sinless; Or (2) may either have a good & honest design in granting such a liberty, or a wicked design therein: If an honest design, then the Minister to whom it is granted, ought to be so far from refusing the same, that the Granters good design (though the Granter other wise be but corrupt) should rather be a motive to him to accept of it, the liberty being in it self lawfull. But if the Granter have a bad design & prejudicall to the Gospell in tendering this liberty, then either this wicked design is made known to the Acceptor (whether the granter discover the same by his words, or declare it by his practice) or it is not: If the former, then either the effectuating of that evil design hath a necessary & inseparable Connexion with the accepting of the liberty, or the evil designe thereof is such as may be prevented or removed by the Accepters: If the former, then I cannot see how such a liberty can without sin be embraced or bargained for, though otherwise never so warrantable, and a protestation in this case would be but *contra-ria facta*: If the latter, then I conceive that the Acceptor's protestation against that evil design, together with a practicall endeavour to defeat it, might in such a Case be a sufficient salvo to the Acceptor's Conscience, the liberty being otherwise lawfull. But if this wicked design of the Magistrat (the Imposer) be hid & latent to the Acceptor, then I see not how he can refuse a liberty (otherwise sinless) upon this only account, That the Magistrat who grants it is suspected to have some evil design in granting it, when no such design is made apparent; for in such a Case I suppose it sufficient, that the Acceptor endeavour what in him lyes to obviat & disappoint whatsoever wicked design can be pretended or supposed, & particularly that which the Granter is suspected to have in granting it.

3. As this liberty relates to the Persons of the Ministers, it may be Considered either as it is extended to all without exception, or as it is denied to some: If it be denied to some (as in our case it is to many) and these too who have been most faithfull, usefull & successfull in the work of the Ministry in the Church, and

and upon which very account they are deprived of it, because they have been such; then I humbly apprehend that the tampering for, or accepting of it wold be an active concurring with the wicked design of the Excepters, in debarring such usefull Instruments (though never so few in themselves, or despicable in the eyes of others) from the free exercise of their Ministry to the manifest detriment of the Gospel, & consequently sinfull: an active concurring I say, because an active consenting to a bargain made up of such sinfull Conditions, whereof this is one: That so many Eminent Ministers must be debarred from the foresaid Liberty; and it is to be judged an active consenting, in so far as the termes & conditions are accepted, the bargain actually complied with & acquiesced in by the Acceptor, without any Protestation against the depriving of others of this liberty, & the evill design thereby intended (which yet wold seem to be but a Protestation contradicting the practice, 1. Because all these sinfull Conditions & Restrictions are inseparably interwoven with the liberty granted in the Proclamation, unto which the Bond must be conform. 2. Because there is no obtaining of this present Liberty, but as it is tendered by the Councill, that is, as it is complex of all these sinfull Restrictions, of which the forementioned is one) for in this case he is to be holden a Conserter that is not a Contradictor, as is clear from the like Numb. 30: 14. Where the Husband confirms his wife's vows by holding his peace, or not contradicting and protesting against them. If this Liberty be extended to all the Ministers alike, then let it be considered

4. As it relates to Places; and thus it is either extended to all & every place within the Magistrats Dominions, or it is restricted to some only: If to some only, then it is clear that it ought upon this very account to be refused, in as much as the good of the whole, though attended with some externall hazard & Inconveniences (as in our case) is alwayes to be preferred to the good of a part only, which may be obtained without that hazard or inconvenience. If extended to all places alike, then it is either with a confinement of every Minister to a particular parishonall charge, or it is without such a Confinement; If with this confinement, then it is sinfull to accept of it, & that for two Reasons chiefly: (1) Because although all the faithfull Ministers in Scotland (& Licentiates too) were every one of them fixed & restricted to a paroch, I suppose that notwithstanding therof, many paroches should be vacant of such pastors. (2) Because thereby Ministers would be utterly debarred from the exercise of Church-discipline by Presbyteries & Synods, as also incapacitat for ordaining a succeeding Ministry. If this liberty be extended to all places without any such Confinement, Then

5. If we Consider this liberty with reference to the Ministry it self, It is either granted with some sinfull Impositions (and that either as to Doctrine or Discipline) or it is not: If the former, then such a Liberty cannot be accepted without sin especially when these sinfull Impositions do immediatly concerne & qualify the doctrine of the Ministry, as in our case.

6. This liberty may be considered as it relates to the present Bond the giving of which is the very Condition of obtaining the same: And thus we are to look upon it as a Complex business. e. as it is complicat with all these evils and Inconveniences that are either exprest or implied in the Bond it self & the proclamation wheron it is founded & to which it is said to be conforme; and so it must be

most finfull to embrace the same, as shall afterward be made out. And whether a Liberty in this last sense ought not more properly to be termed a slavery, & bondage then true Liberty, let the un-prejudicat determine from what hath been already, & shall afterward be said.

I come now to speak of this particular Bond for Ministers which is required by the Councill, and allowed & voted to be lawfull by the late Convocation of Ministers. (But by the way I cannot pass, how that it hath been by severall observed (not without Reason) That the Imposers of these Bonds do scarce let one year pass without imposing some engagements or other upon the presbyterians, sometimes they are more obviously gross, sometimes more seemingly smooth, sometimes they are tendered more generally thorow the Kingdom, sometimes imposed upon particular thires; And all this is carried on sometimes by Craft & cunning, sometimes by force & Cruelty: Doubtless it is not the least part of their design, hereby to make Oaths & Bonds become a triviall & common thing, & by frequent renewing of them to make the presbyterians, men of as capacious Consciences as themselves; And it is sadly to be feared, or rather regrated, that they have gained too much of this design already) And lest ther may arise any mistake about the termes therof or that it should be represented either to the better or to the worse, I have thought fitt to give you here the just & genuine double of it, which is as followeth.

„ We --- for as much as upon an humble petition given in to his Maj. Privy „ Councill by --- they have granted to them --- to preach and administer the „ Sacraments in the Paroch, of --- conform to his Maj. Proclamation of the 29. of „ June last; and a Line under his Royall hand upon the 11 of July last Upon their „ giving Caution to the effect underwritten That is to say We --- bind & oblige „ us conjunctly & severally our Heirs & successors that the said --- shall live peaceably. And in order thereto we bind & oblige us to present him before his Majesty's Privy Councill when we shall be called so to do And in case of failiay in „ not presenting him we shall be lyable to the summe of six thousand merks.

There are other Copies also of this Bond, which in stead of the terme *granted* (that is here used in this copy) some of them have *allowed*, some *given Licence*; and withall they make mention of the Proclamation as *gracious*, which how truly it may be termed so, may justly be doubted, if there be any truth in the received maxime, That *Bonum oritur ex integra Causa malum vero ex minimo quoque defectu*. But seeing this which I have here inserted is the just double of that which was presented to the Ministers at the foresaid late Assembling, and upon which the Vote did pass I shall hold my self by it.

This Bond may be taken up in these two 1. The Narrative, 2. The Obligatory part. In the Narrative are mentioned 1. an humble petition given in to the Councill by the parishoners for such a Minister as they have called to such a paroch. 2. The Councill's Granting of the said petition, which Grant consists of these five. (1.) they grant the Minister. (2.) to preach & administer the Sacraments. (3.) in such a particular paroch. (4.) conforme to his Majesty's proclamation & Letter. (5) upon their finding of Caution, &c.

As for the Petition, it seemes chiefly to import 1. That the people's calling of the Minister, their petitioning of the Presbytery, & their obtaining him from them,

them, is hereby counted insufficient for his being admitted to the exercise of his Ministry, untill the Magistrate first be supplicated for it, & his Consent obtained thereto; And therefore. 2. That the way they took formerly to invite & call Ministers (at least since Ministers were outed) hath been irregular & disorderly. 3. That they ought not henceforth (seeing they look upon this new mode of calling Ministers as their present duty) so long as matters continue thus circumstantiat To receive or permit such Ministers to exercise their Ministry among them as doe not enter by this *De novo damus*. As to the 2. Part of the Narrative which is the Councill granting the petition, whereby 1. *They grant such a Minister*, it imports (1) That Granting or authoritative giving of Ministers to the Church, & investing them with power to exercise their Ministerial office, doth not belong properly primarily & solely to Christ as being the alone Head of the Church, nor to a Church-Indicatory in subordination to him, nor to be conveyed to the Ministers in an Ecclesiastick way, But must immediately be conveyed to him from the Civill Magistrat, & that in a Civil way. (2) That it supposeth, yea and giveth to the granter an authoritative & definitive power to cognosce upon, judge & determine, & that *primâ instantiâ* who are worthy & qualified, & who unqualified for being admitted to the exercise of the Ministry. (3) It yeeldeth to the Civill Magistrat a power both Accumulative and privative in matters purely Ecclesiastick, viz. a power to grant or not to grant (as he pleaseth) such Ministers a Licence to exercise their Ministry, as are both qualified for, and also already ordained in that Function. II. *To preach & administer the Sacraments*: which yeelds to the Magistrat (beside what we have observed in the former) a power to separate & divide the Essentiall parts of the Ministeriall function, & enjoin the Ministers so to doe; for by the Proclamation and Councill's act, the Ministers who accept of this Indulgence, have Licence only to preach & administer the Sacraments, so that what they wold seem liberally to give with the one hand, they sacrilegiously robb with the other. III. *In the paroch of &c.* which supposes (1) That the Minister hath no power nor legall right to exercise his Ministry save in that particular Congregation to which he is assigned by the Councill, (2) That the Magistrat hath power to dissolve and annihilate the old ty & relation betwixt Pastor & Flock, & to make up a new one at his pleasure; and conseq. (3) That the power of fixing, planting & transplanting of Ministers is not the proper & inherent Right of Church-Indicatories. IV. *Conforme to his Maj. Proclamation &c.* Whence it is manifest That as the Councill's Grant or Licence, so the Parishoners petition, the Cautioners bonding for the Minister, as also the Ministers accepting of the Liberty therupon must be conforme to, and so complying with & acquiescing in all these evils (in so far as the termes are thus proposed by the Granter, & without any reluctancy, or Protestation, accepted by the Receiver) that are inseparably connected with the said proclamation, such as: (1) The many bitter invectives against field Meetings in the Narrative thereof, and a positive Condemning all such as Rendezvouzes of Rebellion &c. (2) Ane absolute Interdicting of any such Meetings for the future under highest pain. (3) Restricting the faithfull Ministry of Scotland to the south side of Tay only, excluding many other places also within the said bounds from this liberty. (4) Excluding all these Ministers who are suspected by the Councill to have been at the

late Rising in armes. (5) All these also who shall afterward be admitted by non-conformists Ministers. (6) No liberty granted for the exercise of Church-discipline, or ordaining others to the work of the Ministry &c. V. *Upon finding caution &c.* Where observe (1) That the Councill looks upon the Ministers as persons so naughty or infamous, that they are not worthy to transact with in this affair, at least immediately & in their own Persons, but they must have others of more credit & Respect to represent them, undertake for them, & make up the bargain in their name & favours. (2) That the Ministers are men of so pernicious & profligate principles, That they will make no Conscience to performe their duty to their superiours (such as peaceable living is acknowledged to be both by the Giver & Receiver of this Liberty) unless they be either allured thereto, partly by the benefice of a set stipend from the paroch, partly by the promise of externall peace & protection from the Councill; or else overawed thereto, either by the terror of the Councill, or fear of hazarding the Cautioners paying the penalty.

In the *Obligatory* part of this Bond, I find the Cautioner is obliged to four things in reference to the Minister: 1. That he shall live peaceably: 2. In order thereto, he shall present him to the Councill when called so to do: 3. In case he failzie, he shall be lyable to 6000 Merks: And 4. he obliges (with himself) his Heirs & successors to all these. In all which we may observe this in generall, That there is here not only a reall or virtuall, but a formall, yea explicit Compact or Transaction between the Magistrat on the one hand, & the Minister & his Cautioner on the other; each of the two Parties to performe something to the other, but with this difference, that what the Magistrat is to performe, he pretends to do it out of mere condescendence or indulgence to the other party; and therefore challengeth to have the termes of the bargain in his own framing & proposing; whereas the Minister & his Cautioner being subjects to the Magistrat, are presumed to performe their part as a duty, which they oweto their Magistrat, and are bound by the word of God to performe antecedaneously to this, or any other supervenient bonds of this nature: The Magistrat on his part, grants to the Minister a liberty or licence to preach, and that upon such & such Conditions as himself is pleased to propose; the Minister again on his part (or the Cautioner for him) engages to fullfill these conditions: And so the bargain is agreed upon & concluded by them both, & a Record thereof taken, & put up in the councill books to be kept *ad futuram rei memoriam*.

The *First* thing then that the Cautioner is obliged to by this Bond, is, *That the Minister shall live peaceably*, or (as it is exprest in the proclamation to which the Bond is said to be conforme) *That he shall not preach Rebellion, schism nor Heresy*. Now though the termes seem very smooth & plausible, and if some ought to be beleaved, are so plain, obvious & unquestionable, that they can hardly be lyable to mistake, or expounded in a sinister sense; yet after a litle inquiry it will appear that they are most ambiguous, & consequently fallacious when so generally & indefinitely proposed (as in this Bond:) for peace or *peaceable living* may be considered either,

(1) In it's nature and quality: and thus it is many wayes distinguishable, as: Peaceable living in a naturall or Morall sense; Civill or Ecclesiastick; Spirituall or Car-

Carnall &c. And so according to every particular state or condition that a man can be in, may peaceable living be distinguished.

Or 2. As it relates to it's Objects, which may be either (1) Persons, as God, Angels, men, devills, superiors, Inferiors, Equalls, saints, sinners, ourselves or others &c. Or (2) Actions: Or (3) Things; and both, either good or ill; all which to number were infinite.

Or 3. it may be Considered with reference to it's Rule, which may be either the Word of God, Light of Nature, Laws of the Land, prescript of Reason, pleasure of the Rulers, Common Custome &c.

Or 4. With respect to it's Circumstances of Time, place, persons &c.

Or 5 With reference to it's native Consequents or Concomitants, which may be either in generall the edification of the Church & Propagation of the Gospell, or the prejudice & dis-advantage of both; or in particular, may be either the Confirming of the Godly, Convincing & reclaiming of the wicked, or the grieving & offending of the Godly, & hardening of the wicked &c.

Or 6. In all or any of these Respects it may be either Universall & Absolute, or Restricted & definite; And accordingly either lawfull or sinfull.

I shall not at present insist to make a particular application of these, or the like distinctions to our present case, but this only in short, that *peaceable living* ought to be considered with respect to the whole Complex state of affairs wherein it is required. However in generall *Peaceable living* imports in it something *Positive*, & something *Negative*: Positively, it may be described thus; *submissively to acquiesce in, & rest satisfied with that* (whether it be persons, courses or things &c) *about which it is to be exercised*. Negatively, it imports this, *no ways to contend with, oppose or testify dislike, or abhorrence at that or these Persons, Courses, things &c. about which it is to be exercised*. And now as to our present Case, let us enquire what sort of peaceable living it is which is required in this Bond? 1. It must either be Generall & indefinite, and so abstracted from all, & restricted to no particular & determinat sense. Or 2. it must be Universall & Absolute, & so comprehensive of all & every sense that the termes are capable of. Or 3. It must be understood in some particular, determinat & limited sense. The first it cannot be, Because *To live peaceably* is here enjoyed in such a sense, as therein it is possible to give obedience; but it is altogether impossible to live peaceably abstractly from, & without having a respect to some particular sense or other; Therefore to live peaceably is not enjoyed by the Councill in such a generall, indefinit & metaphysicall sense as excludes all & every particular sense. If the 2. then, besides that it is sinfull to engage in such a Bond (as afterward is proven Arg. 4. of the 1 Head) it is ridiculous & absurd to enjoin peaceable living in such a sense, and as absurd to engage thereto in that sense; Because the termes thus taken are capable of, & lyable to senses, both contrary to, & utterly inconsistent with one another. But 3. If this peaceable living be enjoyed in some particular, determinat & limited sense (as it must needs be, if it be not nonsense) then our next enquiry is to know what is that particular & determinat sense of the Councill or Imposer: and this we may easily know by their sense of Rebellion, Schism & Heresy (for the terms.

termes are equivalent, viz. *not to preach Rebellion, Schism nor Heresy*, as in the Proclamation, and to *live peaceably*, as is exprest in the Bond; this being a compendious positive of the other negative) which they have alwayes declared, both by their publick Acts & Proclamations, and also by the whole series of their procedour against the Presbyterians, to be such as thereby they directly condemne many points to be Rebellion, Schism & Heresy which the Presbyterians hold to be necessary Duty, & sound doctrine, such as these: 1. To preach the iniquity of the Parliaments Declaration & other the like Bonds imposed upon Presbyterians, or to assert the perpetuall obligation of the Covenant, & the breach thereof to be perjury in the highest degree both against God & man. 2. That we are bound every one of us in our capacity & station to adhere to, & defend all the Articles & heads of these Covenants. 3. To assert the divine right of Presb. Government, & the unlawfulness of prelaticall & Erastian. 4. That the prelates & their Curates are manifest Intruders, & tyrannically obtruded upon other faithfull men's labours without the Churches advice or Consent. 5. That it is lawfull & a necessary duty for oured Ministers to continue in the exercise of their Ministry, and that it is the peoples duty to hear & own them for their only lawfull pastors, and that notwithstanding of all the Law Interdictions to the contrary. 6. That Jesus Christ is the alone Head & absolutely supreme Governour over the Church in all causes spirituall & Ecclesiastick. and that it is an high Usurpation and insolent Invasion upon his Royall Prerogative, for any man or mortall to arrogate unto himself either title or office of the same. 7. That all the persecution which hath been inflicted upon the presbyterian Ministers and Professors these 17 or 18 yeares, for witnessing their adherence to the work of Reformation & refusing to comply with, or subject themselves to Prelacy or the usurped Supremacy over the Church, hath been a haynous sin against God, and horrid cruelty against his people: And many moe of this nature. In short, I take *peaceable living*, or *not to preach Rebellion Schism nor Heresy*, as it is now required & imposed by the Councill, to be upon the matter this viz. *To refrain from reproving, testifying against, or any ways opposing such Courses (whether sinfull or lawfull) as are authorized or allowed by the Laws or Example of our present Rulers, or by persons (whether supreme or subordinate) who carry on the same.* And consequently to be altogether silent as to the avowing such duties, or reproving such sins as are in controversie between the Presbyterians & the present Erastian Papistico-prelatick Party, such as these Presbyterian points above-mentioned.

But it is like some will say, That his Maj. & Councill allowing Presb. Ministers liberty to preach, doth *eo ipso* tolerat & allow them to preach & profess their Presb. Principles, and consequently That the Councill's sense of *peaceable living* is not to be interpreted according to their former Acts and Procarnations against Conventicles which are now dispensed with, but according to the presbyterians own sense thereof. The strength of this objection seemes to consist chiefly in these Two: 1. Because the lawes of the land are as directly & expressly against House-meetings *simpliciter* as they are against the Covenant & other controverted Truths preached at these Meetings, so that a dispensation for the one (viz. House Meetings)

tings) doth necessarily import & inferre a dispensing with the other, viz. preaching of these controverted Truths. 2. Because it is scarce imaginable that the Rulers or any rational man should impose a Bond (& that by way of favour) upon Presbyterian Ministers, the termes whereof are known to be contrary to their Presb. Principles (which this Bond wold certainly be if understood according to the foresaid acts) at least that they could in reason expect that the Presbyterians should ingadge in such a Bond, & yet continue true Presbyterians.

Answer 1. If this Consequence be valide. The Magistrat allowing Presbyterian Ministers liberty to preach, doth *eo ipso* allow them to preach their Presbyterian Principles; then this must be as valide. The Magistrate granting liberty to Presbyterian Ministers to exercise their Ministry, doth *eo ipso* grant them liberty to exercise their Presbyterian Government, & ordain Presbyterian preachers (both which are essentiall partes of that function) which is false; for they have no liberty or allowance, either by the proclamation or Bond to exercise these two parts of the Ministry, and if they get leave to exercise them, it is rather by Connivence then Allowance. 2. As to the Acts made against Presbyterian Houle-meetings, there is an expresse suspending of the execution of them, and that by virtue of a power reserved to his Maj. by 5. Act. sess. 2. Parl. 2. Whereas touching other acts made against many of the Presbyterian Principles or preaching of them, there is no such suspension as yet obtained, neither doth any of them reserve to the King such a power, and so he cannot in law doe it without a parliament. But 3. I suppose what may be said here as to Presbyterian Ministers their liberty to preach their Presbyterian Principles, the same might have been said also of the Liberty granted by the former Indulgence; But it is well known, That some Presby.rian Ministers then Indulged were processed as Rebels & Traitours for preaching their Presbyterian Principles, particularly *Mr. William Weir*, who for asserting the obligation of the Covenant, & preaching against the supremacy, was turned out by the Councill's Order. 4. Since the proclamation for this new Indulgence, there comes forth another July 27. containing ane Indemnity to these who were at the late Rise; In which proclamation (after many exceptions from the said Indemnity) it is enjoyned as an expresse Condition of enjoying the benefite of the said Indemnity. *That if ever they shall be at any field Conventicle* (though the necessity were never so urgent, as probably it may be) *the said Indemnity shall not be usefull to such Transgressours any manner of way.* In the same proclamation also it is expressly Comanded, *To pursue & punish with all the severity that law can allow all such as shall afterward threaten or abuse the Orthodoxe* (i. e. the Corrupt) *Clergy*; And it's very probable, that hereby they no less discharge Ministers to threaten them by denouncing God's just judgment against them then any other persons to threaten or abuse them by externall violence *nor murmur against their Judicatures or Officers* (and if but *Murmuring* must be so severely punished, how much sharper punishment must be inflicted upon them who publickly preach against these & testify against their enormities?) *Or shall make, publish, print. or disperse libells or pasquills, these being the fore runners of all Rebellions*; Now by these libells & pasquills we cannot but understand chiefly such Presbyterian Principles as are emitted to the publick against Prelacy, Perjury, Eraftianisme &c. so that hereby the

preaching of Presbyterian Principles in opposition to these will not be allowed nor tolerate. But 1. & chiefly I would gladly understand in what sense Schism (which Ministers by this bond are ingadged not to preach) is to be taken, if thereby be not meant a separating, or keeping our selves a distinct body from the prelatick & Erastian party then which nothing is more consonant to presbyterian principles; For that by this Schism is understood a separating from popery or any other sect inconsistent with the protestant Religion the Imposers themselves will not affirm, unless with the same breath they affirm also that they are no friends to the protestant Cause & Interest. To the 2. Reason of this Objection, *It is scarce imaginabile &c.* 1 Answer 1. Whither it be imaginabile or not to some who are byassed or blinded with self-interest or prejudice, yet it is very palpable to the most seeing & serious That the termes of this Bond as imposed by the Councill is contrary to Presbyterian Principles, as shall afterward at more length appear. 2. Although he Magistrat when he imposes this Bond, doth not expressly declare that his sense of the termes thereof is contrary to Presbyterian Principles, or that he requireth obedience in that sense; yet it is true & undenyable, that the termes thereof doe admitt of, and are commonly taken in a sense contrary to Presb. Principles, as also that that sense is the sense of the Magistrat (though not declared by him to be such at the imposing of the Bond, yet *alibi* it is, as might be made out particularlie by producing such *Acts & proclamations* as have been made against the presbyterians, & are not as yet legally suspended) yea, & that that sinfull sense of the Imposer is also the sense of the Ingadger, as shall further appear in the Arguments adduced against this Bond And therefore 3. The Imposers of this Bond doe couth and cover the same under such generall & ambiguous termes as may admitt of a sound enough sense even according to the Presbyterians themselves; whereas if they had roundly declared their own sinfull sense thereof at the imposing of it, it is probable that the Presbyterians had more universally startled at it: And herein the meanest Capacity may easily discover the deceitfull designe both of the Imposer & Ingadger; of the Imposer, to lead the poor Presbyterians into a snare, by the generality & ambiguity of the termes, & by a baite busked up with smooth & plausible words make them swallow down hooke & all; and of the Ingadger, in that whenever he is justly impeached, as relinquishing his Presbyterian Principles by this Bonding, he may be always ready to make his Retreat to this (viz. that the termes are generall and admitts of a sense consonant enough with his Presbyterian Principles, & that he hes ingadged only in that sense) as a Refuge & Cloak to cover his Anti-presbyterian Compliance.

Having thus cleared what the Councill's sense of *peaceable living* and of *Rebellion Schism & Heresy* in reference to the Presbyterians, is; as also that that sense of theirs is to be known by such *Acts & Edicts* against the presbyterians as are not legally suspended, I shall indeavour next to make it appear that the termes of this Bond are to be understood only in the Connecill's sense, & shall for present satisfy my self with this one Argument: *Rebellion Schism & Heresy* (& on the contrare *peaceable living*) which Ministers by this Bond are ingadged not to preach.

preach, is to be understood in that sense when the Ministers have formerly been guilty thereof; But only in the Council's (or Magistrate's) sense have the Ministers been formerly guilty of *Rebellion Schism & Heresy*; Therefore only in the Council's sense is *Rebellion, schism, Heresy & peaceable living* to be understood; and by Consequence, this Bond doth oblige the Ministers to live peaceably, or not to preach *Rebellion Schism or Heresy* only in the Council's sense, of which more afterward Arg. 7. of the 1 Head.

The 2 thing in the Obligatory part is the Cautioners binding him self in order to the Ministers peaceable living. *That he shall present him when called so to doe*: Where we see 1 That he binds absolutely for the Ministers peaceable living, for in order thereto he obliges himself to present him when called, which is nothing else but to give the Council full assurance That he shall live peaceably. 2. That he is bound to deliver up the Minister to the Council when called so to doe, though the Minister live never so peaceably; for it does not run thus. *That he shall present him when it shall be verified that he hath lived unpeaceably*, but thus *That he shall present him when called so to doe*. 3. That this obligation is imposed by the Council on the Cautioner as a terror & aw-band both to Cautioner & Minister; for the Council will easily suppose That ere the Cautioner should be instrumental in persecuting his Minister by presenting him or before that the Minister putt himself in hazard of falling into their hands, both Cautioner & Minister will rather doe all they can to live peaceably according to the Bond, & so prevent the Council's displeasure and their own paying of the penalty.

The 3 thing in the Obligatory part of this Bond is, *That the Cautioner shall be lyable to the payment of the soume of 6000 Markes in case he failzie & not present the Minister when called for*. Where observe That the two last obligations are corroborative of the first: 1 The Cautioner is absolutely ingadged that the Minister shall live peaceably. 2 In order thereto (or for corroborating thereof) shall present him when called. And 3, in case of failzie (or in Certification that he shall not faill, but shall certainly present him when called) he shall be lyable to 6000 merkes. As for Instance, If the Magistrate should require me to ingadge to performe some Civill duty unto him which I am bound in my station & capacity to doe, I therupon offer my self absolutely to ingadge upon my honest word to performe it (I suppose also that the Magistrate's designe is to have me absolutely ingadged thereto) But because he layes no weight upon, nor gives any credite to my bare word & promise (having possibly offended him formerly by alledged delinquencies) and so apprehends that he hath no security or assurance that I shall performe the said duty (which duty he will by no meanes dispense with my non-performance of) Therefore in order thereto that I may not cheat him, but performe what I'm so absolutely ingadged to, for a Corroborative & Assurance thereof, he enjoynes this for a Certification, That in case I failzie (or lest I faill & not performe my Ingadgement) I shall be lyable to a great penalty. Will any Lawyer or Divine call this an Alternative Bond? So in our present Cafe. If it be said that the Cafes are not parallel, because in the one the principall obligation is lawfull, in the other (viz. to present the Minister to be persecute, or to ingadge to *live peaceably* in the Council's sinfull sense) it is not; I Answer 1. It is both lawfull

& duty of the Ingadger as to the Impofer, and he imposes it as such; and so it is not Alternative as to him, nor imposed by him as such. 2. If the Ingadger look upon it as unlawfull & alternative, then (1) he doth at best but juggle with the Impofer & cheat him, (2) He thereby confesses That he takes an Alternative Bond wherof one of the Alternatives is unlawfull; both which to be sinfull shall afterward be proven. If it be further said; That the Cautioner doth not oblige himself by an absolute Ingadgement that he shall pay the 6000 Merkes, and consequently That this is an Alternative Ingadgment, wherof both the Alternatives are put in his power (to wit either to present the Minister or pay the penalty) which of them he pleases to chuse. *Answer* 1. That the Cautioner doth not oblige himself absolutely to pay the penalty, I grant; but that Therefore this Ingadgement, to pay the penalty is Alternative, I deny: Because, it is neither properly Absolute nor Alternative, but merely *Conditionall*, as the very terms *In Case* (or on Condition) *he shall* &c. doe hold forth. And it is one thing to say, I ingadge *either* to performe this Or that, and another to say, I ingadge to performe such a thing, and *in case of not performing it*, to underly a penalty or punishment: for in the former both the Alternatives are put in the Binders choice, & left arbitrary to him, and the one Alternative is no more determinatly enjoyed by the Impofer then the other: But in the Latter (for instance when the Cautioner ingadges to present the Minister, & in case of failzie to be lyable to 6000 Merks) the penall part of the Obligation is imposed upon him as a punishment for not performing the Principall part thereof, & is only a secondary & subordinate obligation in respect of the principall, and to have place only upon Condition of the breach thereof; whereas Alternatives as such are not subordinate the one to the other, but both equally proposed by the Impofer, neither is the one imposed as a punishment for non-performance or breach of the other. But 2. Howsoever it may be supposed That to present the Minister or pay the penalty is Alternative upon this account, That the Cautioner by performing of the one is thereby free from the obligation of the other; yet (besides that it is questionable in our present Case, whether the Cautioner by paying the penalty, shall be *eo ipso* liberate from his obligation for the Ministers peaceable living & presenting of him when called) sure I am that this Bond is not proposed formally & explicitly in Alternative terms (& so not to be understood such, nor ingadged unto as such) if we but consider the true nature & definition of Alternative promises (or Ingadgements) that is given by Lawyers, which is: *Alternativa promissio est, cum duo vel plura sub disjunctiōe* (v. g. *cum dicitur aut hoc aut illud*) *promittuntur cujus natura haec est, ut utrumque sit in obligatione, quamvis solutione unius tollatur tota Obligatio*: that is, *An Alternative promise (or engadgement) is, when two or more things for instance when it is said Either this or that are disjunctively (or severally) promised, the nature of which is this, that both (to wit the Alternative parts) are in the obligation, although by performance of either, the whole obligation ceaseth.*

The 4. & last thing to be noticed in the obligatory part of this Bond is, That the Cautioner doth bind his *Heirs & Successors* together with himself to the fulfilling of all these 3 parts already mentioned & explained.

The

The Inconveniences of which I shall afterward only touch in the 8. Arg: of the 3. Head.

The termes of the Bond being some way explained in so far as is conducive to the purpose in hand, I shall next in prosecution of my Method propose the state of the Question thus: *Whether in the present Circumstances of the Church of Scotland, it be lawfull & a necessary duty for the faithfull Ministers of Christ there to give bond to their present Rulers, in order to obtain liberty to preach & administer the Sacraments in such & such particular paroches, That they shall live peaceably; Or for others in their name & behalfe to bind to the said Rulers, for their peaceable living, presenting them when called so to doe & in case of failzie to underly a great penalty?* Or shorter thus: *Whether Ministers (or Cautioners in their behalf) may lawfully give the present Bond required by the Councill?* And the Negative I sustain, and shall indeavour to evince by Reasons taken from a threefold Head (with all due reverence & respect to these who concluded they found no Reason why it might not be given) 1. From it's more direct & immediate Sinfulnessesse, 2. From it's Scandallousnes. 3. From it's native & necessary Inconveniences.

First therefore from it's *Sinfulnes* I may argue thus.

THat Bond cannot be given or allowed to be given with a good Conscience which is *Vinculum Iniquitatis*, a Bond of Iniquity, or a sinfull Bond. But this is such a Bond: Therefore it cannot be given or allowed to be given, with a good Conscience. That a sinfull or iniquitous Bond may be given with a good Conscience, no Conscientious man will affirme: But that this Bond is an iniquitous and sinfull Bond, may appear from the Reasons following.

And 1 (not to make a repetition now of what evils we have already detected in Explication of the Narrative of this Bond, which the Obligatory part hath so neer a relation to & close Connexion with, as above) That Bond which presupposeth, yea necessarily prae-requireth (for without previous petitioning thereto no access for bonding in our case) the making of a sinfull Address to the Council, must be sinfull; this I suppose none, either in Reason or Conscience can deny: But that it is a sinfull Address which is prae-requisite to this Bonding, I prove: 1. To supplicate the Council for that which otherwise may be had with more advantage to the Church and advancement of the Gospell, is to make a sinfull Address: But that to supplicate the Council for this new liberty, is to supplicate for that which may otherwise &c. I prove. If greater liberty (both extensively considered in reference to places & intensively to Truths preached) then what is yet tendered by the Council may be had without supplicating the Council, Then &c. But the former is palpable from the daily experience of all these Ministers who without any warrant from, or dependence upon the Council, have hitherto & yet doe exercise their Ministry (though I grant not without some seeming external hazard & Inconveniences, which yet are not comparable to the manifold Inconveniences which attend this way of bonding, these being sinfull (as is afterward proven at large) & the Minister active in bringing himself into them, in those it is not so) either in Town or Country, or wherever in providence they are called, and who have therein had such signall proofs of God's contenance of their Labours, & protecting their persons (some of them to the astonishment of all) from the harme & fury of the Oppressor & such as thirst after their blood, that even a very reflection thereupon may be sufficient to frighten any Man or Minister of the Church of Scotland from such untrodden & intrapping paths. 2. If the Council's Grant of this Liberty upon the giving of this Bond, be many wayes manck & mutilate, as also implicate with many sinfull Restrictions & Impositions, then it is sinfull to supplicate the Council for the benefite (or rather

her bondage) of such a grant? And the reason is, because it is sinfull
 o supplicate for that which is sinfull. But the Connecill's Grant is
 sinfull (as is cleared above in Explication of the Narration) *Ergo* &c. 3. Such
 a petition as puts the Civill Magistrate not only in the place of the Pres-
 bytery, but above all Church-Iudicatories, and that in Church-matters, is sin-
 full: But the petition prerequisite to this Bond is such: *Prob.* A petition that
 yeelds to the Civill Magistrate the power of imposing upon Ministers Instru-
 ctions & limitations prejudiciall to the Church & propagating of the Gospell, a
 power to cognosce & authoritatively judge of Ministeriall Qualifications, as also
 a power to censure, silence or depose them at their pleasure, and that *primā in-
 stantiā*, such a petition, I say, doth put the Civill Magistrate not only in the place
 of, but above all Church-Iudicatures. But this petition is such (as is partly al-
 ready & partly afterward shall be cleared) *Ergo* it is sinfull.

2. If the Connecill's Act or Grant, the parishoners petition for that Grant be
 sinfull, then the giving of this Bond (which is the very accomplishment of both
 these, & the immediate end for which both Grant & petition are calculate)
 must be much more sinfull: But both the Connecills Grant & parishoners peti-
 tion is sinfull, as is already proven: Therefore the giving of this Bond must be
 much more sinfull.

3. It is sinfull for any Man to oblige himself to doe that which is impossible for
 him to performe: But the Cautioner by this Bond obligeth himself to doe that
 which is impossible from him to performe; Therefore it is sinfull for him so to
 oblige himself. That the Cautioner by this Bond obligeth himself to that which is
 impossible or impracticable to him, is clear from the termes of the Bond, which
 is, *That the Minister shall live peaceably*. Now seeing every Man is Master
 only of his own proper, personall & voluntary acts (such as *to live peaceably* is to
 the Minister in this case) How can the Cautioner oblige himself for the Ministers
 peaceable living, with out obliging himself to that which is impossible for him to
 performe, seeing the Minister is neither under the Cautioners *dynamis* nor *exu-
 sia*; i. e. the Cautioner can neither constrain him by force, nor command him by
 authority, but at most can only deal with him by morall swasion or intreaty to live
 peaceably, which the Minister may either doe or not doe as he pleases to deter-
 mine, or thinks convenient.

4. It is a sin to ingadge in a Bond, wherein the matter ingadged unto is held
 forth in such generall & ambiguous termes as admits of various, yea & contrary
 senses: But that this Bond is held forth in such termes, is cleared already in the
 Explication, & is obvious to the meanest capacity. And therefore it is a sin to in-
 gadge in such a Bond. Now for a man to ingadge in a Bond, the termes wherof
 (as they are proposed) are lyable to a sense contrary to & inconsistent with the
 known sense of the Imposer, and yet not to signify to the Imposer in what deter-
 minat sense he ingadges, or that he does not ingadge in a sense inconsistent with
 that of the Imposer, what is it else but to juggle & deceive? But more particu-
 larly.

5. Seeing the termes of this Bond (*to live peaceably*) are acknowledged to be so
 generall & lyable to various & contrary interpretations, then he who thus ingad-
 ges

ges, does either ingadge to *live peaceably* in a generall, abstracted & metaphysicall sense, or to *live peaceably* in some particular & determinate sense. The former it cannot be, for that is not intelligible, yea altogether impossible, viz. to live peaceably abstractly from any particular Consideration of, or respect to particular persons, Actions, manner of peaceable living & other Circumstances. If the Latter (as indeed it must be, seeing a determinate sense of words is the very soul & substance of words) then by this Bond he is either obliged to live peaceably in the Imposers which is the sinfull sense (as is formerly cleared) or in another sense inconsistent with that of the Imposer. If the former, then questionlesse it is sinfull to ingadge in such a Bond: If the Latter, then it must be deep dissimulation (& consequently sinfull) in him who thus ingadgeth & a manifest abusing of the Imposer with his dis-ingenuity, in as much as the Imposer requireth one thing by this Bond, and the Binder doth oblige himself to the quite contrary of what is required of him, and in effect bindeth himself to nothing at least as to that which the Imposer requires of him.

6. If it be sinfull to give Bond for Absolute & universall peaceable living with any man, then to give this Bond is a sin: But that the former is true, I prove: That which is proper & due unto God only, cannot (*jure*) be given to any man or mortall; But a Bond for absolute peaceable living is proper & due to God only: *Prob.* If absolute obedience, or ane absolute Ingadgement to such obedience be proper & due to God only, then absolute peaceable living, or absolutely ingadging thereto (which is a part of that absolute obedience which is due only to God) is proper and due unto God only. That absolute Ingadgements or absolute obedience are proper & due to God only, is hence evident, Because he & he only is the absolute & supream Authority, and whose law only can be our absolute & infallible Rule. And if this argument be valide against giving Bond for absolute peaceable living with any mortall because fallible & subordinat to the absolute & sole supream authority; much more then must it militate against the giving of such a Bond to these who are stated & avowed Enemies to Christ's royall prerogative, to his people & work of Reformation; yea wold not such a Bond be rather an Association & Combination against the Lord? That this Bond (as it is proposed) ingadgeth the Minister to live peaceably in ane universall & absolute sense is clear from the indefinitnes of the termes *To live peaceably*. And it is known, that ane indefinite, generall & illimited proposition is aequivalent, to ane universall or absolute.

7. It is a sin to give such a Bond as by vertue of the obligation therof tendeth to bring the Ministry of the Gospell & Ministers doctrine immediatly & *prima instantia* to be cognosced & judged formally & authoritatively by the Civill Magistrate; and the reason hereof is, because it belongeth properly to the Ministeriall function, formally & authoritatively (though ministerially) to judge & determine, & that *prima instantia* (i. e. previously to any determination of the Magistrate or any other Judicature thereanent) by the Scripture, of which Ministers are the only Interpreters *ex Officio*, what is Orthodoxe or Heterodoxe, what is Schisme or Heresv, these being matters purely spirituall & ecclesiastick, and so determinable only from the Scriptures. But that this Bond is such as by vertue of &c. I prove

prove 1. If by this Bond the Binder doth make the Magistrate the Immediate, sole & supreme Arbitrator & decider of what is Schisme & Heresy in the Ministers doctrine, then the obligation of this Bond tendeth to bring the Ministers doctrine immediately, formally & authoritatively to be cognosced & judged by the Civill Magistrate. But the former is true, thus: If the obligation of this Bond ingadgeth the Binder for the Ministers not preaching of Schisme & Heresy only & immediately in the Magistrate's sense, then by this Bond the Binder doth make the Magistrate the Immediate, sole & supreme Arbitrator & decider of what is Schisme & Heresy in the Ministers doctrine. But that the former is clear, I prove (1) By this Bond the Binder doth oblige himself for the Ministers not preaching of Schisme & Heresy only & immediately in such a sense as thereupon he cannot be called in question by the Civill Magistrate for the Ministers preaching of Schisme & Heresy (else to what purpose doth he bind?) But only & immediately by binding in the Magistrate's sense of Schisme & Heresy can he expect not to be called in question by the Magistrate for the Ministers preaching of Schisme & Heresy (for in no other sense can the Binder promise himself security) Ergo by this Bond the Binder obligeth himself for the Ministers not preaching of Schisme or Heresy only & immediately in the Magistrate's (or Imposers) sense. (2) If by this Bond the Caurioner is obliged to produce the Minister or pay the penalty only & immediately for his preaching of Schisme or Heresy in the Magistrate's sense: then the Caurioner is bound for the Minister's not preaching of Schisme or Heresy only and immediately in the Magistrate's sense: But the former is true: Therefore. The 2. Arg. whereby I prove that the obligation of this Bond tendeth to bring the doctrine of the Ministry immediately & solidly under the Magistrate's Cognizance & decision, is this: These must be acknowledged by this Bond to have the sole, immediat & supreme determination of what is Schisme or Heresy in the Ministers doctrine, who have the sole immediate & supreme decision of what is properly a violation of the Ministers ingadgement by this Bond. But only the Civill Magistrate has (or rather assumes to himself) the sole immediat & supreme decision of what is properly a violation of the Ministers ingadgement by this Bond. Ergo the Civill Magistrate must according to this Bond have the sole, immediate & supreme &c. 3. It is well known that the non-conform Ministers are not allowed by law to keep any Church-Indicatories whereby such matters as Schisme or Heresy might judicially be decided. 4. Nor doth the Council referre the determination of these to the Prelaticall Courts or any other Ecclesiastick Jurisdiction, so far as we know. From all which we gather That the Civill Magistrate (the Imposer) must according to this Bond be the sole, Immediate & supreme Arbitrator & decider of what is Schisme & Heresy in the Minister's doctrine.

8. That which tendeth to the prejudice of the Church of Scotland in generall, ought to be avoyded as a sin (for no private or particular advantage ought to interfere with the publick good, & that either in Church or Common Wealth) But that this way of bonding or fixing by Bond to a particular Congregation, tendeth to the prejudice of our Church in generall, I prove: That which tendeth only to the advantage of the farleast part of the Church, & not to the edification of the whole, tendeth to the prejudice of the Church in generall, & so must be sinfull. But this

way of Bonding tendeth only &c. *Ergo*. That this way of bonding tendeth only to the advantage of the far least part of the Church (or rather to the dis-advantage of the whole) is clear: 1 The one half of Scotland to witt from Tay north-ward which is the very part which stands most in need of a faithfull Ministry is debarred & in a manner excommunicate from having this liberty. beside some of the most considerable Towns & places particularly excepted therefrom. 2 All the Ministers who are suspected by the Council to have been at the late rising in armes. 3 All these Ministers who shall afterward be ordained by non conforming Ministers. 4 All these Ministers who are not clear in their Conscience for giving or allowing such a Bond, who we hope are not a few. 5 All these Ministers who possibly cannot get any to be Surety for their peaceable behaviour, though themselves were clear for the thing. 6 All these Ministers Bonders who shall not actually fullfill, or shall contravene (whither designedly or inadvertently) the Conditions of the Bond. 7 All the Ministers who shall not *coram* present themselves to the Council in order to receive their Licences upon this Bond, & so *pass* their Tryall before them. 8 All these paroches which either are not able to undergo the penalty of 6000. merks or are not willing to hazard the same, wherof there may be not a few. And 9 in a word, only such Ministers are hereby allowed & authorized to preach & administer the Sacraments, as will formally ingadge & actually performe the termes of this Ingagement, which in charity we hope will be found a very inconsiderable number. And then let any conjecture what a small part of the Church of Scotland wold be supplied with Presbyterian Ministers, if none should preach but such as are thus licensed.

9. That ought not to be done without the advice & Consent of the whole Church which is of the great concernment of the whole Church at least ought not to be determined, concluded & complied with, without first hearing & pondering the Reasons of dissentients against it. But in a public Meeting of Ministers that which was of the concernment of the whole Church (*viz*. their voting for the lawfulness of this Bonding, & some of them their actual Complying with it) was done and concluded to be done not only without the advice & consent of the whole Church but without so much as hearing & pondering the Reasons of dissentients against it, yea contrary to the minde of severall present who declared themselves against so sudden a determining of such a Question at that time. Therefore the giving or allowing this Bond ought not to be done, & so is sinfull.

10. That Bond is sinfull which may be interpreted contrary to our former lawfull & solemnly sworn Bonds & Covenants: But this Bond is such: By our former solemne Ingagements we are bound (& more specially Ministers of the Gospell) by all lawfull means to wrestle & contend for the maintenance & defence of the work of Reformation in all the poynts & principles thereof, and to oppose every thing that may be prejudiciall to the said work; and that we shall continue constant all the dayes of our life in this defence & opposition. But by this Bond we oblige our selves not to contend strive or wrestle any more for the defence of the work of Reformation (at least not to oppose & with stand every thing that may be prejudiciall to the said work, & such as are profest Enemies thereto) seeing by this Bond we ingadge to live peaceably with these, who we know are in actual opposition against that blessed work: for these

these two are contrary to & inconsistent the one with the other; And therefore this Bond may be interpreted directly contrare to our former lawfull Ingagements, & so most sinfull, & a manifest breach of our solemne Vowes to God in most of the articles therof. And no doubt such as now ingage in this Bond wold have been lookt upon as Enemies to the main ends of the Covenant if they had subscribed or allowed such a Bond to be given when required by the avowed Enemes of that Covenant in these dayes, when our Church was most vigorous in their zeal and faithfulness for the defence of that work of Reformation according to these Covenants; And that it can be any lesse sinfull now seeing we ly as stricktly under the vowes of God now as then, and that these to whom this Bond is given are as vigorous in opposing that same work & Covenant as ever they were since the beginning, I cannot see: And we may referre it to the Consciences of these who are now so forward in giving & allowing this Bond, in their most solitary retirements, when they sitt themselves immediatly before God who weigheth actions & compareth this deed most impartially with their so strict and peremptory Vowes to him in that Covenant, & our Churches former zeall & tendernes in oblserving the same.

11. It is a sin to give such a Bond as maketh my nighbour who is a free man, especially a Minister who is a free Ambassadour of Christ, to be a prisoner at the will & pleasure of such as will make him *an offender even for a word*: But such a Bond is this now required: Therefore sinfull. And if it ought to be refused upon this account that it bringeth the Minister in Bonds, much more then is it to be refused with all detestation, that it bringeth the Ministry it self and Gospel in to bondage.

12. It is sinfull to ingadge either by an Absolute or Alternative Bond to be active or instrumentall in persecuting any (but especially Christ's Ambassadors) for saying or doing that which is their unquestionable duty: But by this Bond the Cautioner ingadgeth (at least alternatively) to be active & instrumentall in persecuting the Minister, (viz. by presenting him when called for by the Councill) for that which is really his duty, & acknowledged both by Minister & Cautioner to be such; for instance when the Minister preaches the perpetual obligation of the Covenant, or plainly testifies against the crying sins & corrupt Courses of the time (as he is bound in point of faithfulness and Loyalty unto his great Master to doe) especially these carried on by our Rulers or their authority, and therupon is called in question, & persecuted as a preacher of Rebellion &c. Ergo It is sinfull thus to ingadge. The like may be said also against the Cautioner his binding himself to pay the 6000 Merks in case he failzie & present not the Minister; for thereby he obliges himself (alternatively at least) to be active in persecuting and punishing himself for that which is not his fault, and so to that which is sinfull. But lest any should imagine That because the termes of this Bond are Alternative (the contrare of which is already made out) therefore they may lawfully ingadge, viz. alternatively, though some of the Alternatives be really sinfull. Wherefore

13. Giving by supposition, but not granting, that the termes of this Bond were indeed as Alternative as some wold have, or any could wish them; yet I say that it is sinfull to ingadge therein, 1 Because all & every one of the Alternatives of this

present Bond are sinfull, as is proven above. 2 Though but one of the Alternatives were sinfull & the rest lawfull, yet it is a sin to ingadge in such a Bond, and that because it is sinfull to ingadge to that which is sinfull either absolutely or alternatively; For as we cannot without sin bind our selves to that Conditionally which upon no Condition we can without sin performe, so neither can we without sin bind ourselves to that alternatively which in no case can come under our choice; and where their can be no choice (as of sin or sinfull Alternatives as such their can be none, seeing choice or election is to have place only where the thing is some way or other *eligible*, which sin or a sinfull Alternative can never be) there ought to be no deliberation, and conseq. far less ought their to be Bonding.

14 That Bond is sinfull whereby the Ministers ingadged wherein are by the Imposers, 1 Restricted in the exercise of the key of Doctrine. 2. Robbed of the key of Discipline, for this is withheld in the Councill's Grant. 3. Are debarred from perpetuating the succession of a faithfull Ministry by ordaining others thereto; at least by this bonding they tacitly approve & virtually consent (*Consensit enim qui non contradicit*) to these sinfull Restrictions.

15. If the giving of this Bond be more unwarantable then imbracing of the former Indulgence, then this bonding is a sin, yea a greater sin then that of the former Indulgence (at least to these who look upon the former Indulgence as a sin) But that it is more unwarantable, is hence manifest: That by the former Indulgence the Acceptor thereof doth restrict his Ministry mostly as to the exercise of it in such a particular paroch, whereas by this Bond (or Latter Indulgence) the Ministry is qualified & restricted also as to the exercise of it *simpliciter*, i. e. as to the very doctrine it self, as is clear from what is already said: In which sense it seemeth to surpass even Prelacy it self for grossness, viz. in so far as Prelates (as such) requires of their Ministers the Curates that they be subject to them only as to the exercise & manadgement of the externall Government of the Church; But by this Bond the Councill requires the bonded Ministers to be subject to & censurable by them in the very Essentials & most intrinsic acts of their Ministry, namely the doctrinall part thereof, and the Cautioner & Minister by their bonding doe *ipso facto* yeeld & consent thereto; and the more considerable this is. That Prelates pretend to be a sort of Ecclesiastick persons, & Prelacy an Ecclesiastick order (though both corrupt & unwarantable) whereas the Civill Magistrate or the Councill as such cannot pre'end to any such thing.

16. If it be a sin for any Person or people absolutely to ingadge to their Rulers (especially such as doe now require this Bond) not to resist or oppose them by externall force in any case whatsoever, Then much more is it sinfull for Ministers so bring themselves under such an absolute Ingadgment in reference to the intrinsic acts of their Ministry. But that it is a sin for any person or people absolutely to ingage &c. is so obvious & palpable both from the light of nature, principles of Reason & Religion, as also from the testimony of pious & judicious Politicians & Divines, yea even from the Concessions of some of these who are accounted

sed the greast Royalists, That I forbear at large to prove it, and referres such as doubt thereof to the writings of these who have treated upon that or the like subject. The Connexion of the former proposition is clear (1) Because a Minister as a Minister (or Ambassadors of Christ) is not a servant or subject to any mortall Prince or Potentate, and so may not without lase Majesty to his sole Sovereign Christ (whose alone servant he is) make such absolute ingadgements in things relating to his Ministeriall function, as Others may in matters of their Civill Liberties & Concernes. (2) Because, by how much the more indispensable the exercise of the spirituall sword is then that of the temporall, by so much the more sinfull is it for Ministers absolutely to ingadge to live peaceably (i. e. not to lift up their spirituall & ministeriall armes, such as publick Reproving, testifying or protesting against the sinfull Coarces of the Rulers & these that are in authority) then the people so to doe in order not to lift their carnall & temporall armes against the same Rulers: And though we are more prone by nature to flee to the Carnall sword for our bodily defence, when occasion calls thereto, yet the use of the spirituall is both much more necessary & indispensable in it self, and also much more expressly enjoyed by God in his word to these whom he hath empowered & authorized to exercise, *it ex officio*. But to proceed.

Secondly from the Scandallousnes of this Bond, I may Reason thus.

A Bond that is justly scandallous or gives just ground of scandall or stumbling (not that the ground of Scandall can be just & warrantable i. e. that any ground of Scandall can justify the Scandall or warrant any person to stumble; but that such a Bond as this doth give just ground to repute the giving of it a reall Scandall, and that which bes a reall and direct tendency to stumble & offend) ought not to be given or allowed to be given: But this Bond for Ministers peaceable living (as it is now required) is such: Therefore it ought not to be given or allowed. That this Bond is Scandallous, & that upon many accounts, may appear.

1 It is scandallous to give such a Bond as puts a tash & disgrace upon the Ministers of the Gospell: But that this is such a Bond, I prove 2. A Bond that imports & (tacitely at least yet really) præsupposes the faithfull Ministers of the Gospell to have been formerly turbulent, unpeaceable or rebellious, puts a disgrace upon the Ministers of the Gospell: But this Bond is such, as is clear from the words of the proclamation, viz. *But to the end that none whom we may justly Suspect shall under the colour of this favour CONTINUE to preach Rebellion &c.* For it is certain that Bonds of this nature, especially these imposed by Superiours upon their Inferiours, or Rulers upon their Subjects, doe pro-

suppose that these of whom the said Bonds are required, have either been formerly guilty of, or else have a propensity to do the contrary of what is required of them by these Bonds: Therefore &c. 2. That Bond which imports & presupposes the Ministers to be either incapable or unworthy to bind immediately for their own peaceable behaviour, or that they will make no Conscience of their duty (such as to *live peaceably*) except others of more Credite & Respect bind for them, or that even others their binding for them is not sufficient to keep them in order except for an aw-band they oblige themselves also to present them, & that under a great penalty, such a Bond I say puts a great stain & disgrace upon the Ministers of the Gospel: But such is this Bond now required: *Ergo* very scandalous. But

2. It is scandalous to give a Bond that not only puts disgrace upon the Ministers but also tends natively to bring the Ministry under Contempt & That this is such a Bond is evident, Because it is scarce imaginable That such a mans Ministry (who hes ingadged in this Bond) can have any weight, authority or respect with the people under his Charge so long as he is look't upon as an Infamous Offender or Malefactor, & one who is neither a good Subject nor a good Christian; nor a good Subject, because as he hath been given to rebellious Courses formerly, so he is still ready to break out into the same disorders (for both these doth this Bond import, as above) except he be chained up by another mans binding for his peaceable behaviour, who hes (as it were) the rope fastened about the Ministers neck, That so soon as in the least he trespasses, he may be ready to be drawn forth, if it were even to a gibbet: nor is he look't upon as a good Christian, either by the more tender & zealous, because he hath purchased externall Liberty to exercise his Ministry in so foull & unwarrantable a way; or by others, because he makes no Conscience of his duty (*to live peaceably*) except he be either bribed or over-awed thereto. What esteem then of, or reverence to such a Mans Ministry can the people have, or what authority & weight can such a Ministers reproving of sin or scandall in others (& particularly these under his own oversight) have, while he is by them looked upon to be such a Man as we have now described.

3. It is scandalous to give such a Bond as thereby the Cautioner appears to the Imposers as a man who hath no scruple of Conscience to deliver up his Minister to be persecuted (and who can tell how deep it may draw with him?) when called so to doe: But this Bond is such Therefore scandalous; for though the termes (to present the Minister or pay the penalty) were never so formally alternative, yet seeing the Cautioner at his bonding doth not expressly declare to the Imposer which of the two Alternatives he chuses, or that he chuses not that which binds him to deliver up the Minister (which is the more sinfull & scandalous) the Imposer hes just ground to judge that it is more probable the Cautioner will rather deliver up the Minister when called thereto, then that he will be so lavish of his money as to venture so great a summe for not presenting him: for as one said very pertinently (speaking of this Subject) *when one temptation prevaile with him* (viz. the Cautioner) *to bind for the Minister, another may persuade him to lead him to the Gibbet.*

4. It is

4. It is a scandall for Presbyterians to give a Bond that natively tends to the weakening & dividing of the Presbyterian Church of Scotland, and makes the Bonders *ipso jure* the true Separatists & Fomentors of Division: But this is such a Bond: *Ergo*. That the giving of this Bond (or the allowing of it by a publick Vote of Ministers) doth really yea natively tend to the dividing & breaking of the Presbyterian Church of Scotland is too palpable by doolfull experience, that it should be denied or questioned: Likewise That the Givers & allowers of this Bond are (therin) the only true Separatists from their dissenting Bretheren, and so the only Creators of new divisions & fomentors of the former, is manifest from these two: 1. That they did *coram* Consult and Assembly-ways Conclude the Lawfulness of this Bonding yea & some of them did actually accept of the Liberty granted thereby, and preached thereupon, without first hearing & pondering of what dissenting Bretheren had to offer against it. 2 Their Bretheren who dissented from them herin, doe as yet continue *in statu quo prius*, in the same state & posture they were in before yea & in that same judgment & practice anent this Bond, which our Church was formerly of when most resplendent for Reformation; that is, they preach & hear upon their perill as they have formerly, for refusing to give such homage & subjection to an Invading Adversary in the matters of God & of his Church, as by this bondadging Bond they wold certainly be obliged to give; whereas the Bonders have fallen upon a new & untroden path, which is altogether unknown & a by-road to the Reformed Church of Scotland either as to her Principles or practices. And this leads me to the next.

5. It is a Scandall for any Minister or Professor of the Church of Scotland to give such a Bond for obtaining externall liberty to Ministers to preach, as never hath been given in any Church (so far as we know) far less in a Reformed Church, and least of all in so pure a Reformed Church, as Scotland, till now: But this is such a Bond as never (let but one parallel instance be produced to disprove it) was given &c. *Ergo*. We read I confess in our Church-Records That in the year 1596. there was a Bond imposed by the King & his Councill to be subscribed by every one of the Ministry, under the pain of losing their stipends; whereby they were to Confess That the King was their sovereign Judge to them & every one of them in all Causes of Sedition & Treason, & other Civill & Criminall matters, & to all their speeches which might import the said Crimes, albeit uttered by any of them in pulpit or any other place &c. Which Bond they joyntly & unanimously refused to subscribe (though otherwise they mostly granted upon the matter what was required of them, as in their Explication of Mr. David Black's Declinature & else where they insinuate) and that for XI Reasons which they gave then against the same, as may be seen in the History.

6. It is a scandalous Bond that is tendered, & when tendered is accepted by the Tenderers as the speciall signe & Test of Ministers their now at length succumbing under & yeelding up the Cause which has been so much controverted, & so long contended for; and so a virtuall (at least) Insadging no more to oppose nor Contend against, but peaceably to rest satisfied with all the past & future

OVER-

overturnings of the work of Reformation, but specially with the manifold Invasions made upon Christ's Prerogative & the Churches Priviledges. But &c. *Ergo*.

7. To ingadge in a Bond the termes wherof doe not only admitt of, but are commonly taken in a finfull & scandalous sence (suppone that the Ingadger should really not ingadge in that sence) and yet not to declare, that he does not ingadge in that finfull & scandalous sence, is both finfull & scandalous; for in such Cases (as also in most, if not all Cases of Scandall as such) I conceive that *Idem est esse & apparere*, as to these to whom the scandall is given: But so it is in this busines of the Bond: *Ergo* exceeding scandalous. That the termes of this Bond are both lyable to, and also commonly taken in a finfull & scandalous sence (at least by the more tenderly zealous & judicious) in our dayes, and as matters now stand is undenyable from experience. 2 That the sence of the Imposers is also finfull & scandalous is manifest from what is already said in Explication of the Bond. And 3 That such as have already ingadged in this Bond, have not as yet declared, to the Imposers at least, that they have not or would not ingadge in that finfull & scandalous sence, is likewise manifest from matter of fact. The like may be said of the Ingadgers not protesting publickely against all or any of the innumerable evils, that are either implied, exprest in, yea or commonly supposed to be inseparably connected with this bonding. Hence

8. It is scandalous for Presbyterian Ministers to ingadge in a Bond which is commonly suspected by most of the pious, faithfull, tender & judicious in the Land (yea & by Strangers also & men of other Principles) to be inconsistent with Presbyterian Principles, and yet not to assert & vindicate either by Word or Write their Presb. Principles (which are exposed to so much Reproach & Ignominy by such Bondings) or testify against that Usurped power by which they are so much invaded, & from which the imposing of such Bonds doth natively proceed as from their genuine source & fountain; Thus I say to ingadge, is very scandalous: But Presb. Ministers have ingadged in such a Bond, & yet have not &c. *Ergo*. Yea give me leave to say, How scandalous and reproachfull is it even to the dissentient & true hearted Presbyterians In Scotland, not to have either by Word, or Write, entered joyntly, a faithfull, free, positive, publick & plain Protestation (whither in the face of the late Assemblers who voted for the lawfulness of this Bond, or otherwise) against this anti-presbyterian (to say no worse) and divisive Bond; that so a standing witness might have been preserved & perpetuate to Posterity against this as one of the most gross steps of our defection and that the mouths of many both at home & abroad might be stoppt, who stand not to say & hear said That the whole Ministry of Scotland are for the lawfulness of this Bond, at least few or none avowedly or publickely against it.

9. It is scandalous to give a Bond that hes but the appearance of our Ceding from Contending any more for Christ's undoubted Prerogatives, the Churches intrinseck Priviledges; just freedom of his Ambassadors &c. 2 Hes the appearance of Condemning all our own & our Predecessors wrestlings & Contentings for these & their peremptory refusing & protesting against all Bonds of this or the like nature. 3 Of discouraging the heart & weakening the hands of all such as have
hither

hitherto, or are as yet endeavouring to keep a distance from all such Ingagements as having the appearance of evil. 4 Of hardening & confirming open Adversaries in all their wicked Invasions, particularly their sinfull & sacrilegious Supremacy, and encouraging them by such bondings to advance the same higher & higher as they doe. 5 Of being weary of the Crofs of Christ & mistrusting of Gods faithfulness to deliver from, or carry us cleanly thorow this dangerous difficulty, as he has done thorow many of the like nature. But 6 more particularly the giving of this Bond hath at least the appearance of (if it be not a down-right) condemning the practice & peremptoriness of some tender & zealous among the people of late, who by choice, have suffered the most opprobrious of deaths, ere they would so much as Consent, to take a Bond by many degrees more plausible & tolerable then this of the Ministers, and attended also with incomparably stronger Temptations.

10. It is Scandalous (& more specially for Ministers of the Gospell) to ingadge in a Bond, which as imposed is either contrary to, or altogether without expresse Scripturall Qualifications, when the matter thereof is enjoined in the Scripture only with these Qualifications: But by giving of this Bond the Binder ingadgerh in such a Bond: Ergo. That the matter of this Bond (viz to *live peaceably*) is enjoined in the Scripture alwayes with some annexed qualifications & restrictions is manifest from many Instances, which for brevity I omitt now to cite, but shall touch some of them afterward in answering to Objections. 2 That this Bond is imposed by the Councill & accepted by the Bonders without expresse mention of these scripturall qualifications, is undenyably evident from matter of fact. 3 That the termes thereof are commonly now taken & also to be understood in an Anti-Scripturall or sinfull sense, is already proven.

11. The matter ingadged unto in this Bond is either 1 Clear & Indispensable duty (I say *Clear*, because he that doubteth is damned, and what soever is not of faith is sin; and *Indispensable*, because otherwise they shall never prove it to be free of sin, it being attended with so much scandall) in the present Circumstance of affaires: Or 2. it is a clear & manifest sin: Or 3 it is a matter merely Indifferent: Or 4 it hath more appearance of duty then sin: Or 5 more appearance of sin then duty. That it is not the 1, and that it is the 2, is already sufficiently made out. The 3 it cannot be, seeing it is a matter of so much weight and importance to the whole Church of Scotland. And that it is not the 4, but the 5 may appear (beside) from what is already (said) from this. That the Bonders themselves, and the Allowers thereof are more taken up & exercised how to excoitate Defences (or rather pretences) for clearing this their bonding not to be a sin then to adduce invincible Arguments (which cannot be had) for proving it positively to be a necessary duty, or the refusing thereof to be a manifest sin; which shewes plainly that they have a sort of doubting & diffidency in defending this busines, as being some way apprehensive or affraid *ne lateas anguis in herba* least there be some thing really sinfull in it (being so much cryed out against & abhorred of the most Godly, tender & zealous in the Land) and because it must first appear not to be a sin, before it can appear to be a positive and unquestionable duty, therefore they find themselves more concerned, how to take off (if possible) the appearance or visage of sin from it, then to give it the splendor & colour of a clear & indispensable

duty. Witnesse this, their Vote for the giving of this Bond, which they thought fittest to expresse in negative termes.

12. I wold in all humilicy & sobernes inquire! What is the main motive & Impulse that drives these Ministers now to this Bonding; Either it must be the desire they have of externall ease & quietnes, temporall advantage & accommodation, the Courts favour & protection, applause of men, or some such carnall end; Or else their great motive & designe must be the advancement & propagation of the Gospell, and so the edification of the Church. If the *former*, then they thereby declare themselves to be perfect Hirelings & worldlings, which we will be loath to assert of them. If the *latter*, then it is either the edification & advantage of our Church in generall, or of some particular Congregations therin; the *former* by giving & observing of this Bond cannot be had, as is already proven in the 8 Arg. of the 1 Head: If the *latter*, then it is either the good of a few Congregations as conducive to the good of the whole, or as inconsistent therewith: The *former* cannot be, as is clear from the forecited arg. And the *latter* ought not to be, Because (as is already said) no particular advantage ought to interfere with the publick good; Besides, Christ is said to have given to his Church, Pastors, Teachers &c. for *edifying of the BODY* (to witt of his Church) and not for edifying some petty particular members therof only.

Thirdly from the many *Inconveniences* wherewith this Bond is loaded & attended, we may argue against the same as followeth.

THat Bond which hath exceeding great & many Inconveniences attending or following the giving of it, ought not to be given, unless it had also as many & great advantages as might preponderat these Inconveniences or disadvantages (which it hath not as may be manifest from what is above said, but shall farther more particularly appear:) But this Bond required of Ministers hath &c. *Ergo*.

For 1 the giving of this Bond bringeth the Minister into a great strait: 1 Either to conceall some part of the *whole Counsell of God*, which may readily be interpreted by the Councill, a breach of his *peaceable Living*, and so by his unfaithfulness & sinfull silence offend both God & the godly; or else by declaring the *whole Counsell of God*, & boldly preaching his presbyterian principles irritate the Anti-presbyterian Rulers, and so indanger both his Liberty to be forfaulted & his

his person to be punished. 2 Either to present himself when called for by the Councill & Cautioner, or else to hazard the Cautioners paying of the penalty for non-compearance, & so dis-oblige him who hath done him such a kindnes as to procure him the externall liberty to exercise his Ministry, by binding for him under so great a summe, and instigat also the Magistrate against him, and so purchase to himself the name of a perfidious & Contumacious person. 3 If he present himself & compare, then either to decline the Councill as Competent Judges in the matter of his Doctrine (which may cost him no lesse then his Head) or otherwise silently to suffer them go on in cognoscing, judging or condemning his Doctrine of Scisme &c. (And so yeeld to the Civill Magistrat a power to judge immediatly & authoritatively of Ministers Doctrine) or Censuring by silencing, deposing, or otherwise punishing him, as they shall please to determine his alledged unpeaceable living doth demerite.

2. It is Inconvenient on this account; That it becometh a great temptation to the Cautioner to persecute the Minister by presenting of him; especially if he apprehend that the Minister hath needlessly done or spoken that thing or word, for which he may be charged by the Councill as an unpeaceable liver (which may very readily fall out) or if he be unable to pay the summe, or if he be so wickedly sett, that he will rather venture the Ministers neck then to pay such a penalty himself for not presenting of him, or if he be in some hopes & expectation to bring the Minister faire off though he present him &c. I say this is very Inconvenient, and therefore ought to be avoyded.

3. Hereby is occasion given (if not a reall ground laid down) not only for the Cautioner or Councill to persecute the Minister, but also for any malevolous person who carries the Minister or his Cautioner at ill will, to pitch a quarrel with him, by gathering either from his Doctrine, deportement, or ordinary discourse, any thing which may have the least shadow in law That he hath broken the peace whereto he is ingadged, or though they can catch nothing in the Ministers carriage wherat they can carp, yet they may either out of their own malice, or by the bribery perswasion or instigation of others swear to his prejudice, and so by delating him get him delivered up to the lust of these whose tender mercies are cruelty, or else the Cautioner to pay the penalty.

4. The giving of this Bond is a bad preparative & exemple for encouraging all Magistrates both at home & abroad, present & to come, either to require & receive the like Bond from Ministers, when ever they take up the least jealousy or prejudice against them (though probably without any ground) or else to put them from the peaceable exercise of their Ministry, and to debarr others also (not admitted) from access to the exercise thereof, untill such a Bond of surety be found & given for them.

5. That Bond is very Inconvenient whereby the Binder doth inevitably bring upon himself or others either sin, scandall or suffering: But by this Bond the Binder doth incur the necessity of bringing some or all of these upon himself or others, as may be particularly evinced from what is above said: Ergo such a Bond is most Inconvenient.

6. This bonding will at least occasion other Ministers, who either cannot find

clearnes in their Conscience to give, allow, or suffer any such Bond to be given for them, or who possibly cannot get any who will venture to bind for them (fearing perhaps they may be too rackless (*aliis* too faithfull) in their preaching) or thele who are particularly exempted in the proclamation from this Liberty; It occasions, I say, all such Ministers to be exposed as the only butt of the malice & persecution of the Rulers, if they shall presume to preach without their warrant & Licence.

7. This Bonding is very Inconvenient, That thereby the Cautioner & Parishoners are tempted to give to their Minister carnall & sinfull advice (viz. that he utter nothing which may irritate the Rulers, or may be interpreted unpeaceable Living &c.) the Cautioner out of fear, least he be put by the Councill to present him, or else pay the penalty; the People, lest they be deprived of their Minister: and thus the edification both of people & Cautioner is marred & obstructed: But this is such a Bond: Therefore.

8. It is Inconvenient also upon this account, That the Cautioner doth *bind his Heirs & Successors* together with himself: for 1 they may be either Children or fools. 2 They may be unable to underly so great a summe. 3 They may be of an other or contrary Judgement anent this Bond. 4 Though they be once of the opinion that there is no sin in it, yet they may afterward (as also may the Cautioner himself) alter their judgement and see the evill therof, & be made to smart for it, as many have done in the like cases, for doing things of far less import, & having less appearance of evill then the giving of this Bond. But the truth is, it is as impossible to make a full enumeration of all the evils & Inconveniences that are either wrapped up in, or may follow upon this way of bonding, as it is to number or foretell all the particular occurrents & circumstances that shall afterward come to pass in reference thereto.

In a word, it is *Sinfull, Scandallous & Inconvenient* to doe or allow to be done that which hes but the *appearance of evill* in it, which this Bonding cannot be denied to have.

I shall now endeavour to obviat or remove what some doe alleadge in defence of the lawfulness of giving this Bond; as.

1. That the *Scripture expressly commands what is required by this Bond*. viz. *to live peaceably*; as may be seen particularly in these Rom. 12: 18. Heb. 12: 14. Pl. 34: 14. 1. Pet. 3: 11. 1 Thess. 4. 11. 1 Tim. 2: 1, 2. Rom. 14: 19. Jer. 29: 7. &c. Therefore such a Bond ought to be given when required. *Answer* 1, Either these Scriptures doe command absolute peaceable living, and illimitedly as to times, places persons &c. or they doe not: If they doe, then how shall that Scripture hold (for the Scriptures here adduced command us to live peaceably not so much with Magistrates as with men in generall) Eccles. 3: 8. *There is a time of war & a time of peace*; or that, Luk. 22: 36. *He that hath no sword let him sell his garment & buy one*; and the like? If they doe not, either then they say nothing to the purpose in hand, or else the Objectors are holden to prove that they are parallel to. & so conclusive in our present circumstantiate Case. 2. Suppose that these forecited Scriptures (commanding to live peaceably) were held forth in as generall & indefinite termes as this present Bond (which is manifestly

fully false as shall presently appear) will it yet follow, That therefore such Scriptures were absolutely & universally concludent, and ought not to admitt of any exceptions or restrictions whatsoever, because held forth in such termes? If you'll affirme that in such a case they ought not, because where the Scripture makes no difference nor restriction, we ought not to distinguish nor restrict; I answer, by the same Reason then I may argue from Matth. 5: 39- *Resist not evil, & insetting therefrom*; That therefore we ought not to resist any manner of evil (for the termes are generally & indefinitely exprest) & consequently not to resist sin nor Satan; to which if you should answer, that such a lax consequence were very insequent, because (say you) it is not the evil of sin that there we are discharged to resist, but the evil of punishment, or private & personal injuries, might not I (according to your own way of reasoning) reply, that the termes of this prohibition *Resist not evil*, are generall, illimited & indefinite, and therefore universally conclusive and where the Scripture distinguishes not nor qualifies & restricts we ought not; and then what is become of your argument? But if you should answer here That though that particular passage of Scripture doth not characterize nor discriminate what sort of evil we are to resist & what not, yet many other parallel places doe: Even so say I, that although one particular passage of Scripture may command peaceable living in generall absolute & indefinite termes, yet other parallel Scriptures doe expressly qualify & restrict the same; so that the former axiome will not alwayes hold unless it run after this manner *where the Scripture* (viz. Complexely considered as to the whole, & collatively as to particular passages therof), *neither expressly distinguishes, nor gives any ground for distinguishing, we ought not so distinguish*; which I take to be very true. But 3. Though none of the forecited Scriptures made any mention of the qualifications & Conditions of peaceable living, yea suppose all the Scriptures of the Bible relating to peaceable living (except one particular passage) were so generally & indefinitely exprest, as that indeed they seemed to command absolute peaceable living without any limitation; yet though there were but one passage in the whole Scripture, that either expressly mentions, or so insinuates these qualifications and restrictions of peaceable living, as therupon we have good ground to qualify and restrict the same. I say that even that one passage is to be the rule & stand by which all the rest (indefinitely so exprest) are to be interpreted & understood in reference to peaceable living; not contrariwise. 4. It is not so much the generality & Indefinitnes of the termes (to live peaceably) that makes us hate & abhorre this Bond, as it is the sinfull & sinistrone sense that the Council hes put upon it; neither will it follow, That because the Magistrate doth not expressly declare in the Bond it self, or at the imposing of it, his sinfull sense therof, therefore no where else hath he declared it, or that the Bond is left arbitrary to our sensing; no more then it will follow That because the Scripture in one or moe particular passages does not expressly mention the Conditions & Limitations of peaceable living, therfor other parallel places, or the Scripture complexely taken makes no mention of them, nor insinuates any ground for them or that they are left arbitrary to any mans frameing or coyning. 5. Though the termes of this Bond were never so found in *these* & as they are propoped, Nay

(which is more) although they were never so expressly Scripturall, yet when once the right sense & meaning thereof comes under debate, or a sinistrous is suspected to be either latent or declared, I say that we ought not in gadge even in such a Bond without protesting (at least in generall) against any sinfull or sinistrous sense that can be put upon it, or in particular that which is suspect to be latent in the termes thereof; Which yet is to be received with caution according to what is said above in Explication of the nature of Liberty. But 6. Even these very Scriptures adduced against the Refusers of this Bond are so far from commanding us to live peaceably in such a generall & indefinite sense as is insinuate by the Objectors, or in such a sinfull sense as required by the Imposers, that on the contrare the exprels qualifications & Conditions mentioned in these Scriptures (both in the Text & Context) doe exceedingly favour the Refusers, yea & which may serve as so many Arguments for them against the Objectors, as may appear thus: Rom. 12: 18. *If it be possible, as much as in you lieth, live peaceably with all men*; from which we may gather That if it be not possible for us simply, or if not possible with a good Conscience (as in our case it is not) we are not to live peaceably &c. So Heb. 12: 14. it is commanded that we *follow peace with all men* (but remember what is connected with it) *and holiness*. Ergo we are commanded to follow peace only in so far as holiness goes along with it. Also Pl. 34: 14. & 1 Pet. 3: 11. we are commanded to *seek peace and pursue it* (but what sayes the former part of the same verse) *depart from evill & doe good*. Likewise 1 Tim. 2: 1, 2. *I exhort therefore... that we may lead a quiet & peaceable life* (but how must it be qualified?) *in all godlines & honesty*: The Reason therefore why we are to *pray for Kings &c.* is not that we may lead a quiet & peaceable life simply, but that we may lead it *in all godlines & honesty*; and so by consequence it is not lawfull for us to bind our selves to lead a quiet & peaceable life simply or absolutely, but thus qualified. Likewise Rom. 14: 19. *Let us therefore follow after the things which make for peace* (but stay take the other half a long) *and things wherewith one may edify another*. As for the other place 1 Thess. 4. 11. I see not how it makes for the present purpose, it is true it is there said, *That ye study to be quiet &c.* but consider also what followes in the beginning of the next verse, *That ye walk honestly &c.* So likewise 2 Kings 20: 19. *Is it not good saith Hezekiah that peace & truth* (Ergo not good that peace alone) *be in my dayes*. And Zech. 8: 19. *Love the truth & peace*. And many more the like. From all which it is more then manifest, That we are not commanded to live peaceably, seek peace, love peace &c. (far less to bind our selves thereto) absolutely & simply, but only in so far as that peace or peaceable living is consistent and accompanied with *godliness, truth, edification, holiness, honesty &c.* As for that Scripture objected from Ier. 29. 7. where the people of the Iewes are bidden *seek the peace of the City* (even of Babylon) *whither they were carried Captives*; I answer (1) Let the Objector make the parity between the two Cases, and then I shall consider how to make an answer to the Objection. But (2) to make the disparity appear, the scope of this Command is to intimate to them, that it was the determinate purpose of God, that they should continue in their Captivity for a long time viz. 70. yeares; and therefore that

That they should quietly submit to, & rest satisfied with their captivate lot till the time appoynted, and in the mean while to build houses, plant vineyards take wives &c that they might be increased there; and so they are to seek the common peace & preservation of the City or Incorporation where they lived, & wherof by Gods dispensation they were made members. Hence (3) the Reason why they were to seek the peace of that City is, not because they were thereto Commanded or required by the King of Babylon or his Councill (as it is in our Case) but the Reason therof is given to be this, *for in the peace therof* (sayes he) *shall ye have peace*; and so they did no less then what the Law of mutuall & self-preservation did oblige them previously to this positive Command: But I question much if the same Reason that is there subjoynd to this Command will have place with us; that is, I much doubt if it may be said in our Case, *That in the peace of the Prelatists* (or Imposers of this Bond) *shall ye* (viz. Presbyterians) *have peace*; or at least, That the Presbyterians peace is so inseparably connected with, & bound up in theirs, as the Jewes their peace was in the peace of the City where they were Captives. (4) From this Command I cannot see how the Jewes were obliged to give Bond for absolute peaceable living, though it had been required of them by the King of Babylon or his Councill their then Superiours (far less that it can be therefrom inferred That we are bound to give this Bond) because such a Bond wold directly have condemned the same prophet Ieremiah who alloweth the Inhabitants of Zion to pray. *That the violence done unto them & their flesh might be upon Babylon*; and the Psalmist [Pl. 137.v.] *last*, who prayeth for a bloody day upon these Babylonians; yea & pronounceth them *blessed* who should *dash their little ones against the stones*: And when they refused so much as to sing the songs of the Lord at their bidding, lest they should seem to have forgott the quarrell of Ierusalem & the Injuries done to their God, their Temple & Religion &c. How can anyman imagine, or Divine affirme, that they ought to have given such a Bond unto such? Wold they not rather that their tongue had cleaved to the roof of their mouth then to have Consented, and their right hand to forget her cunning then to have subscribed such a Bond? (5) If this were a good way of Reasoning, then Lot who was a member of Sodom's Incorporation (& so bound to seek the preservation therof for his own preservations sake) had been obliged if thereto required by the Sodomites, to bind for absolute peaceable living with them, and then how should this have consisted with his dayly contending with them for their vile abominations, & his endeavouring to restrain them therefrom? I know some are pleased also to Obje^t Prov. 23:23. *Buy the Truth & sell it not* and so it is not only lawfull (say they) but also commendable in them, who, ere they be deprived or made destitute of a pure & peaceable dispensation of the Gospell preached by Christs sent Ambassadors, they will rather transact with the Magistrat & ingadge for the Ministers peaceable behaviour, & presenting of him under the pain of paying a great summe of mony; To which I Answer (if such an Objection may be counted worth the answering) (1) That the Cautioners paying the 6000 Merkes is so far from procuring the peaceable preaching of the Gospell, or being accepted by the Magistrat as the price of the Liberty granted by him for the same (far less as the

the price of the Truth it self which they have not to sell) That on the contrare the paying thereof is not only a punishment inflicted on him for breach of his ingadgement, but a certain evidence that he hath forfaulted that Liberty so bargained for. (2) It is one thing *to buy the Truth & not to sell it*, & quite another *to buy externall peace & protection by selling the Truth* or any part of it, which may justly be charged upon the Bonders, as appears from what is already said. But (3) It is a question whither we may so formally bargain & transact with the Civill Magistrat (especially one who has usurped all Church-power in Church-matters & by Church-mens Ceding to such bondings & bargainings takes occasion & encouragement to advance his full Supremacy) as to offer him a summe of money for obtaining Liberty to preach the Gospell in his Dominions; which Liberty he is so indispensably obliged to grant previously to, and without any such Transaction.

2. *Ministers are subjects as well as others* Therefore they cannot refuse to give or allow this Bond for their peaceable living. Answer 1, I easily grant with all our Protestant Divines, that Ministers are subjects as they are men & members of the Common Wealth; I am no Papist to deny subjection of Clergy-men to the Civill Magistrat in things Civill, But 2 I deny that Ministers as Ministers, or Ministers in discharging their Ministeriall function, are subject or accountable (at least *primâ instantiâ*) to the Civill Magistrat: But this Bond is required of Ministers not only as subjects (for then how comes it that it is not also imposed upon all the rest of the subjects;) but mainly as Ministers, because (1) it is required of them as the Condition without which they cannot be admitted to the exercise of their Ministry. (2) Because thereby they are qualified & restricted not only in the externall exercise but also in the very Essentials of their Ministry. 3, I deny that either Ministers or other subjects ought to give Bond for peaceable living in such absolute termes as this Bond is held forth in.]

3. *Peaceable behaviour is necessarily included in the Oath of Allegiance as a part thereof.* Answer 1, I concede that subjects, & Ministers as subjects, are under the ty of Allegiance to their Civill Magistrat, whither they come under a formall, explicite & personall Oath or not, and that they are bound to live peaceably in all dutifull subjection & obedience. But 2 if by the Oath of Allegiance be understood a Bond without Condition or Limitation, obliging absolutely to peaceable living, then I deny that the Magistrat may require, or that the subjects ought to ingadge in such a Bond; otherwise I deny this Bond (as now it is imposed) to be a part of, or included in the Oath of Allegiance.

4. *Any subject may require of his fellow subject Law-borrowers, & get him obliged to keep the peace*; Therefore much more may the King & Councill require, & subjects ought when required, to give a Bond for peaceable living. Answer Though the Cases agree thus far, that both are Bonds to keep the peace, yet the disparity is very considerable, as: 1 In the one Case the King & Councill, as they challenge to have the only power of framing whatsoever Bonds they impose upon their subjects, so by that same power they put what sense & exposition

tion upon these Bonds (for *ejusdem est exponere cuius est imponere*) they please , & require obedience only in that sense , & judge of obedience or dis-obedience according thereto; in the other Case between Subject & fellow-subject it is not so.

2. In the one, the Magistrate is both Judge & Party; in the other, neither of the parties is Judge to the other, but the Magistrat is an indifferent Judge to both.

3. The King & Councill have declared their sense of the termes of this Bond to be so sinfull & sinistrous , that no Presbyterian can engadge therein without impeaching his presbyterian principles; in the other, it signifies nothing what be the sense of him who requires the Law borrows, as to any prejudice his fellow-subject can sustain thereby, seeing he hath neither the termes in his own framing or sensing , nor is the other bound to give obedience in his sense any further then as it is the sense of the Magistrate.

4 Law-borrowes are ordinarily (at least ought to be) exprest in so full, plain & particular termes as both parties may easily understand in what determinate sense obedience is required; in our Case it is far otherwise as to this Bond.

5, Ministers being the subjects & servants of a King who is above all morrall Kings, may not take such a latitude in matters relating to their Ministeriall function & freedom, as others may in reference to their personall or Civill Concernes.

6. To ingadge to live peaceably in that sense the Law-borrowes requireth is very just & lawfull in it self , which is only to doe no harm or injury to our neighbour either by word or deed; But as to our present Bond the termes thereof as they are sensed by the Magistrate (in whose sense only the Bonders must ingadge , as above) are most sinfull & scandallous , as is already proven at large.

7, If the Subject who requireth the Law-borrowes have declared some evill or hurtfull designe against his fellow-subject (as in our case, the Councill hath against the Presbyterians & Presbyterian Cause, by their declaredly sinistrous & anti-presbyterian sense of the termes of this Bond) by requiring them, Then I deny that that fellow-subject ought to ingadge in these Law-borrowes , till first he secure himself against the evill of that designe.

5. If young men (as some doe say) entered to the Ministry by giving a Bond to live peaceably in Oliver Cromwell's time without any scruple ; Ergo the giving of such a Bond to our Lawfull Magistrate ought far less to be scrupled at. Answer 1 Though this were true (as is most false, as it is alleadged) yet it is no good argument a *facto ad ius*; such a thing hath been done, therefore it ought to be done.

2. I must say, who soever dare affirm That such a Bond was given (yea or required) by all the Intrants at that time , is a grievous Calumniator , and untill he make out what he affirms , let him be accounted by all a Traducer of the Bretheren & a Complyer (in so far) with the Enemies of our Reformation, whose malice & despight hath ever run chiefly out against these many worthy & successful Ministers who entered since the year 1649.

3 If some very few of those Intrants got Testificats from Ministers (nominat in the paper called the Ordinance) of their lawfull admission to such a kirk, and of their pious and peaceable behaviour , before they could uplift their stipends , I shall not contradict; but what is that for a ground to affirm that either all these Intrants did so, or that any of them did give such a Bond as is now required , far less thereby to purchase their entry to the Ministry, wherunto they were already entered, in the actuall exercise thereof?

4. It is also well known, that this way of testificating by that *Ordinance* was rejected, by all the Ministers of Scotland nominat therein (some very few excepted) who only gave these testificats to a very few also, as above said; yea the generality of the Intrants themselves wold not so much as require that Testificat for obtaining their stipends from the Council at that time, far less wold they ever have condescended to give such a Bond as is now required for obtaining the externall liberty of exercising their Ministry.

6. *To refuse a Bond for peaceable living, when required by our Magistrat, were very scandalous (and that which we could not justify before the Churches abroad. Answer.* 1 Though the contrary of what is here objected be more then sufficiently made out above, in the arguments of the 2 Head, yet let me say, I with they who are pleased thus to object had been as tender of giving scandall & offence, some of them by deserting the work of their Ministry (though so urgent a necessity was laid upon them, by their Call & Admission to that sacred function, by the great scarcity of the meanes of spirituall Life, by the earnest Invitations of the poor famishing Flocks &c.) & rendering themselves in a manner useles & idle in their Church & generation; Others by their sinfull silence or ambiguous speaking, as to a plain, seasonable, faithfull & peremptory testifying against the horrid defection of the Land, and by their many other scandalous cedings & complyings with the iniquous Lawes & Commands of men, to shunne & shift the Crofs of Christ, and purchase to themselves so scandalous a way of living peaceably under the yock of bondage; I say, I with they had been as tender in giving scandall these wayes as they pretend to be in this. 2 If this be scandalous to abstain from all appearance of evill, whither of sin or scandall, & particularly from this Bond, as having at least the appearance of both (as is evident from what is above said) then I confess that tendernes & care to avoyd & stand aloof from scandall, must be scandalous; for on this very account is the Bond refused. 3. Neither will I deny, but refusing to give this Bond may indeed displease & irritate such as challenge to themselves a brutall submission to, compliance with, & acquiescence in what soever sense they are pleased to put upon it; as also these who are so head-strong & hardy for bringing themselves & their Ministry into bondage by this Bond, that doe Rulers what they list against Christ, his Church & Gospel, yet they are resolved to obtain & enjoy their Liberty (such as it is) by it, though they should even compear & publicly pass their tryalls before the Council in order thereto. But 4 I wold fain know what Forraign Reformed Divines (acquainted any wayes with the state of our affaires & Controversy with Prelates, Papists & Erastians) are or will be scandalized at the refusing of a Bond so scandalous: Alas! the contrary is too too apparent, yea palpable, as is hinted above, & a little time will more fully manifest.

7. *But the Magistrat hath conceived jealousy of Ministers (at least some of them) who are to have this Liberty, viz. that they are turbulent, factious, disorderly & unpeaceable; And therefore for removing such a jealousy, this Bond ought to be given now since it is required. Answer.* 1. Though I am fully perswaded that both this Bond & the Proclamation wheron it is founded doe indeed insinuate & suppose
that

that the Presbyterian Ministers, are not only guilty of factious & rebellious Courses formerly, but that they are also still propense to break out into the same disorders & irregularities, unless they be chained up by such fettering & soul-fac'd favours, as now are tendered (upon which account it is already proven to be at least scandalous) yet I say, there is either just ground for this jealousy, or there is not: If not, I doubt if they be obliged to remove a groundles jealousy, any further then by clearing to all, that there is no ground for it; & by their walking so circumspectly and irreprehensibly, as they may have a Conscience voyd of offence both toward God & man; and that they patiently bear such groundles jealousies & reproaches flowing therefrom as the Reproches of Christ. If there be any just ground for the said jealousy & suspicion, then this must either be given from their principles or practices. That there is just ground to suspect their Presbyterian principles, no true Presbyterian will affirme; and the contrary is well known from their publick Confessions, Catechismes & Covenants: If from any thing in their practice this jealousy proceed, then let this be particularly instructed against them, which we hope cannot against the Presbyterian Ministers of Scotland; except it be said That Ministers in following their necessary duty, by preaching in houses & fields, without or against the Rulers Licence, their testifying & protesting against their iniquous Lawes & persecution, & the Common defection of the Land &c, have thereby given just ground of jealousy to the Magistrate; which none dare affirme, unless they dare also reflect upon the practice of Christ, his Apostles & all his faithfull Ambassadors in times of defection & persecution. But if any will yet alleadge, That some have given at least too just occasion of such jealousy in our time, Let them charge it on them, and let them answer for it, for the Presbyterian Ministers in Scotland who refuse to enter by this Bond, will not take with the Challenge or Charge, either as to their principles or practices, but do dis-own, yea detest it as most injurious & calumnious to both.

But lest (notwithstanding of all that has been hitherto said) I or any others, who object against the giving of this Bond for Ministers peaceable Living, should be mistaken or mis-represented as dis-loyall, seditious, or dis-affected to the Civill Government & Magistracy; as ordinarily all such (who peremptorly plead for the Interest & Rights of Christ & his Kingdome, and upon that account find themselves often under a necessity of *obeying God rather then men*) have been in all generations, and as much this day as ever, are branded with these aspersions; though we are most willing to render first & chiefly unto God the things that are Gods, & secundarily to Caesar the things that are Caesar's; I say, lest our objecting against this Bond should be thus mistaken, I shall set down a few of these Principles or Positions which true Presbyterians, and Objectors against this Bond, do conscientiously hold, in reference to the Magistrate, as

I That God who is the God of order hath institut & ordained Magistracy in the Common-Wealth, for the common good of Humane & Christian society.

II That the Magistrate is the Minister of God for good to them that do good, and a Revenger to execute wrath on him that doth evill.

III. That the Authority or power which God hath given him for encouragement to good workes & a terror to evill, is not to be resisted.

IV. That all persons within the Magistrat's dominions, of whatsoever station, quality or employment, are to be subject to this Authority, & give obedience thereto according to the word of God, not only in respect of the *matter commanded*, but also with respect to the *Authority commanding*.

V. That the Magistrat is *Custor ac Vindex utriusque Tabulae*, the Keeper & Avenger of both Tables of the Law. And that as in general he is to command all within his dominions to worship God according to his own Word & do that which is just and equall; so in particular, he is to command & see every one performe the duties of their respective functions & stations; and consequently Ministers also & Church-officers to do the duties of their particular places, and that under the pain of Civill Censures & punishment.

VI. That the Magistrat's power is neither subject nor subordinat to the Ecclesiastick, nor to be confounded with it; but is specifically distinct from it, and coöordinat therewith: yet the Magistrat as a Christian & member of the Church, is subject to the Ministry; as also the Minister as a member of the Common Wealth, is subject to Magistracy; that is (as our Divines expresse it) A *Coordination of Powers* and a (mutuall) *Subordination of Persons*. But

VII. Though these Powers be Coöordinat, yet they are not properly Collaterall or Coequall; because they are neither of the same nature, extent, nor external eminency, neither are they derived formally from the same fountain, the one being from God as *Creator* & Governour of the world, the other from Jesus Christ as *Mediator* & sole Supreme Head of his Church.

VIII. As there is no action how Civill or secular soever (providing it be done by a Church-member) but as it relates to^t Observance toward God, it comes under the cognizance of the Ecclesiastick Jurisdiction; so there is no cause, action or thing so sacred or Ecclesiastick, but as it respects the external peace of humane society, belongs to the Civill Jurisdiction: the same individuall action then (though in diverse respects) may fall under the cognizance both of the Ecclesiastick & Civill Court; as for instance Adultery or the like, may be the object of Church-Censures, as also of Civill punishment; in the one, *sub ratione Scandalis* in the other, *sub ratione Criminis*.

IX. That the Magistrat may & ought to adde his Civill sanction & Confirmation to such Canons & Constitutions as are ministerially cleared & concluded by Church-Judicatories: Neither is he to doe this *implicitâ fide*, but may judge of them, not only *judicio apprehensivo & discretivo*, by understanding & discerning these Canons in themselves, but also *discursivo & deliberativo*, by cognoscing, if they be agreeable to the Word of God & sound Reason; in which case he doth (as a learned Divine saith) *judicare*, but not *judicem agere*: But of these Canons and Conclusions he hath not power to cognosce & determine *judicio definitivo, decisivo* or *legislatorio*, except only in reference to his own Act of ratifying & corroborating them by his civill sanction.

X. This power of the Magistrate as to Church-affaires is *Cumulative*, not privative.

vative; *defensive*, not destructive; *Imperative & Coactive*, not Elicitive; *Objeſive*, not formal; *Corroborative* not Abrogative; *Sanctive*, not Legislative; not *sacra* properly, or in *Sacris*, but *CIRCA SACRA*; He is a *Nurſing father* to the Church not a *ſtep-father* &c.

XI. That the Magiſtrat's power in ratifying Church-decrees, and commanding obedience thereto, is not ſervile (though in ſome reſpect it may be called *ſubſerviens*, viz. to Chriſt the great Law-giver of his Church who declareth his will by his Miniſters) nor meerly executive as the Churches ſervant but imperative, princely, & ſupreme.

XII. That, as when the Magiſtrate goes beyond his ſphere in judging & cognoſcing Cauſes purely ſpiritual & Eccleſiaſtick, he may in ſo far be declined, & appealed from to the Eccleſiaſtick Indicators; ſo when Church-Officers exceed the limites of their Jurisdiction, by judging & determining in Civill affaires, they may juſtly be declined & appealed from to the Civill Court; and both or any of them, in caſes of manifeſt Injury & oppreſſion (though acting in their own proper ſphere) may be appealed from unto the righteous & great God (as the abſolute ſupreme Iudge to whom both are accountable) and to him only.

XIII. As it is one thing to *decline the Iudge*, & an other to *appeal from the ſentence*: ſo when the Magiſtrate unjuſtly determines in any Civill affair, his ſentence may be appealed from, but he cannot for that be declined as a Iudge in theſe affaires: the like may be ſaid of Church-Officers.

XIV. Although we reſuſe not to yeeld obedience to the Magiſtrat's Commands except we be convinced in our Conſcience of the unlawfullneſe of them; yet we acknowledge & aſſert that *the Word of God alone* & not the diſtates of Conſcience is the adequate & infallible Rule both of Obedience & Diſobedience.

XV. As the Magiſtrat may command all acts of Divine worſhip which are according to the Word of God under the pain of Civill puniſhment; ſo he may inflict civill puniſhment for diſobeying theſe Commands.

XVI. That there is a great difference betwixt a *Royall Command enjoying obedience to Church-Canons*, and a *nomothetick power to make Church-Canons*; the Magiſtrate hath the former not the latter: there is a difference alſo between a *formall Reſcinding of Church-decrees*, & a *Civill command not to give obedience to theſe decrees*; the Magiſtrate hath the latter not the former.

XVII. As extraordinary Evills require extraordinary Helps, ſo the Magiſtrat may doe many things in a time of the Churches gathering, backſliding or Corruption which he cannot do ſo long as the Church is in a well Conſtitut & Reformed Condition: But from this to inferre, That he may demolish the eſta-bliſht order & fabrick of a right Conſtitut & Reformed Church, on purpoſe to give a proof of his extraordinary power, by reducing the ſame into order again; Or that he may make uſe of this extraordinary power, when the ordinary & appointed means are to be had, & alſo in caſe to effectuate the Cure; to inferre this (I ſay) were both impious & incongruous.

XVIII. That the End of Civill Government is not only to obtain a *quiet & peaceable*

able Life but also to encourage *Godlines & honesty*; nay, that the end of Ministry is not so much a quiet & (externally) peaceable life, as the end of Magistracy is godlines & honesty,

XX. That the supreme Magistrat is the *politick Head of the persons who make up the visible Church* (*viz.* as they are members of the Common-Wealth) but is not their Head as they are members of the visible Church, *i. e.* he is not *Head of the visible Church*; because the Head & members are of the same nature, but the supreme Magistrat as such & the Church as such are of very different natures.

XX. That what ever Liberty the Magistrat may lawfully grant to the Church, the Church may not only lawfully accept thereof, but may also lawfully supplicate (if need so require) the magistrat for it: Though I dare not say that such a Magistrat as doth usurpe all Church-power ought to be supplicated in matters concerning the Church, even for that which otherwise may be lawfully granted & which he ought to grant, at least without an expresse protestation against that power which he hath unlawfully assumed; nor that any person ought formally to bargain, with, or bribe any Magistrate with a summe of money for the grant thereof; but less to condescend to sinfull or scandalous Conditions in order to obtain it.

XXI. Albeit the Magistrat ought to restore to the Church what ever right or Liberty he hath unjustly taken from the Church; yet hence it will not follow. That because the Magistrate hath injuriously thrust Ministers out from their particular Charges Therefore he ought to restore with restriction a certain number of them to these Charges again. My reason is chiefly 1 Because in this case the Magistrate doth not restore the same Liberty which he hath injuriously taken, nor to the same number from which he took it. 2 Though he may restore to them a part of their former Liberty & they may accept of it (*viz.* in order to obtain the whole) yet he cannot restrict them to a part of it, nor ought they to receive it upon such termes. 3 The Liberty which before they enjoyed did not consist in being confined to particular paroches (which is all that the Magistrate now grants & that to a very few) but in having free access to preach in these paroches, or elsewhere as the good of the whole Church should require.

XXII. It is much betwixt *Magistrates & Ministers* in dispensing of spirituall & Church affaires (as one doth neatly illustrate) as betwixt the *Will* & the *Understanding*; for *Quamvis Voluntas imperat Intellectui quoad exercitium actus, determinatur tamen per Intellectum quoad ejus specificationem*: that is, *Although the Will doth command the Understanding as to the exercise of the act, yet it is determined by the understanding as to the specificationall kinde thereof.* And Magistracy may say to Ministry (in matters spirituall & Ecclesiastick) as *Moses* said to *Hobab* Numb. 10:31. *Thou mayest be to us in stead of eyes.* But, as the eye cannot say unto the hand, lo neither can Ministry say to Magistracy *I have no need of thee.* 1 Cor. 12, 21.

XXIII. As it is a matter of great moment & difficulty to fix the just limites & land-marks of the Magistrat's power & prerogative, and of the Subjects Rights & priviledges as to the exercise of either *prohic & nunc*: So it is of no less difficulty & import to condescend upon the most proper & effectual

all meanes *hic & nunc*, for keeping both within the limites of their proper order, or curing the extravagances of either; or to give a just & impartiall decision when either is invaded by the other.

XXIV. That in some cases many things may be granted by the People even to a tyrannous Magistrate (for instance levyes of men, money, armes &c.) for maintaining him in his civill pompe & grandour (even though he should alienate the true use & end of these things. by employing them for further strengthening & confirming himself in his tyrannicall or usurped power) which cannot with a good Conscience be granted unto him or any Magistrate whatsoever when he hath expressly declared (whither at, or before the imposing or requiring of these things) some pernicious & destructive designe, either against Religion, the Lives or Liberties of his Subjects, which designe he resolves, & would be capacitate by the Granters, to effectuate by such a Grant.

XXV. As every escape, error, or act of unfaithfulness (even known & continued in) whether in a Ministers entry to the Ministry, or in his Doctrine or deportment, doth not non-minister him, nor give sufficient ground to withdraw from, or reject him as a Minister of Christ: So neither doth every enormity, mis-demeanure or act of Tyranny, Injustice, perfidy or profanity &c. in the Civill Magistrate, whither as to his way of entry to that Office, or in the execution of it, or in his private & personall behaviour, denominate him a *Tyrant* or ane *Usurper*, or give sufficient ground to divest him of his Magistraticall power, & reject him as the lawfull Magistrate.

XXVI. Though such a Minister may lawfully be withdrawn from & dis-owned as a Minister of Christ's mission & institution, who either enters to the Ministry *by the window* (i.e. in a way unwarranted or condemned in the Word of God) preacheth erroneous & damnable Doctrine, is grossely scandalous & vitious in his conversation, or is utterly insufficient for such a sacred Function: Yet the case may be, & often has been (and whither or no it be ours now, is not mine to determine) that a People may & ought to submit themselves to the Government even of such a Magistrate who either hath injuriously usurped that Office, or hath so malever'd in the exercise thereof (by violating the main & most of the Conditions upon which he was admitted to it) that his Government is degenerated into a manifest Tyranny & Irreligion, and so he (*de jure*) forfeaulted his right to rule as a Magistrate: I say the case of a People may be so circumstantiate, that they ought to subject themselves even to such a Tyrant; till the Lord clearly poynt forth to them a way, either from his written Word, or some extraordinary impulse & influence upon their spirits, or from indubitable grounds & persuasives of sound morall principles, or such like, whereby they may emerge from under that yock. Hereby I doe not yeeld nor assert, That it is lawfull to give obedience to any unlawfull Commands, or that it is no wayes lawfull for a People to shake off the yock of ane unlawfull & tyrannicall Government: But only, That there may be some cases wherein it is lawfull for a People to yeeld subjection to a lawless Tyrant, and wherein it may be unlawfull for them to perpetrate or attempt their own liberation by externall force (which abstractly from those

those Circumstances might be both lawfull, laudable & a necessary duty) *viz.* when the thing attempted is either altogether impracticable, the meanes or manner of effectuating it dubious or unwarrantable, the timing of it inexpedient & unseasonable, or the necessary Concomitans or Consequents of the Cure more hurtfull or dangerous then the disease; or the like: Neither doe I affirme, that under a tyrannicall Government it is alwayes or absolutely lawfull for the people to give *passive obedience* (if such a forme of phrase may be admitted which many explode as unaccurate & incongruous) but only that there is a time which may be called the proper *season of suffering*, that is, when suffering (in opposition to acting or resisting) is a necessary & indispenfable duty.

XXVII. As a man's subjecting himself to a private Robber assaultring & prevailing against him, is no solide proof of his approving or acknowledging the injury & violence committed by the Robber; so in many cases a people or person's yeelding subjection (*viz.* in matters civill & externall, for I alwayes excecme Conscience & Religion from subjection to any creature whatsoever) to a Tyrant *i. e.* a publick Robber, does not argue their acknowledging or approving his tyranny & oppression.

XXVIII. As it is one thing to be *subject to the Magistrate for Conscience sake* and a far other to *subject our Conscience to the Magistrate*, that is, to be subject for his pleasure sake: So although we may lawfully submit our bodies & estates to the Civill Magistrate; and in many cases also to a Tyrant; yet in no case can it be lawfull for us to subject our Conscience or Religion to any Magistrate or mortall, God himself being the immediate, & sole Sovereign Lord of both.

XXIX. Although this great & fundamentall truth; that *Christ is a King*, yea & the only King & Head of his Church, be such as at no time or before no Persons is to be denied or dis-owned, but freely & faithfully to be asserted, when the circumstances of the Case calls for a Confession: yet *Whither or no Caesar be a King*, or hath any right to reigne as Supream in matters civill (even upon supposition that he is (*jure*) no King, but a Tyrant & ane Usurper) or such Law-questions as these relating to Civill Government, seemes to me not to be of such import or consequence in Religion, as that we are alwayes bound in Conscience positively to declare our judgement when interrogat theranent, especially when such Questions are put to us with a manifest designe to intrap our Lives or intangle our Conscience. We have Christ's own practice for a pattern of such prudence & Christian Caution. But yet I would be loath to condemne, or rigidly to censure such as out of a pious principle of zeal to God & conscience of duty, doe freely & positively declare their judgement (when posed with such Questions) though to the manifest detriment of their Lives, they conscientiously looking upon it as a case of Confession.

XXX. We cheerfully acknowledge, that it is the duty both of Ministers & People & of every Subject to pray for Magistrates (whither Supream or subordinate) & all whom the Lord hath set in authority over us; and that not only so long as they continue to rule for the Lord or good of the Land, but even when they become open Tyrants, persecutors &c. & continues such: Ifay, we ought

to

to pray for the Conversion & Salvation even of such; except the Lord should either expressly discharge the same, or by some infallible demonstration declare that he has rejected them (which I humbly think we cannot be infallibly ascertain'd of, especially as to particular persons, without divine Revelation) or else give such clear & sensible significations of his refusing to hear any prayers for them, & of his displeasure therat, that we dare not adventure to put up such suits without fearing to offend him, & procure his discountenance in other things that we find clearnes & freedom to pray for; or the like.

[Thus, Sir, I have given you some account, not only of mine own, but of the judgement of diverse others deservedly esteem'd in the Church, with whom I have communicat in the matter of this *new Indulgence* & way of bonding for obtaining the same: wherein (with some serious desires to the Lord for light & leading) I have indeavoured to deal as singly & impartially (though in a plain & simple way) as I can, and studied also to guard against giving occasion of offence or irritation to any who are otherwise minded. By all which you may likewise perceive what is our judgement in answer to your other Question, viz. *Whether the People ought to concur in calling Ministers who will enter by this Band?* That not only we cannot advise, but are clear & determin'd to dissuade (as we find access & conveniency) all to beware of Calling or Inviting of Ministers according to the pattern & plat-forme that is laid down by this new Indulgence, as they would shew themselves tender of the Concernes of Christs Crown & Kingdom, as they would not list themselves among the Obstructors & Opposers of the free Course of his Gospell, as they would not be counted Enemies to the Ministeriall freedom & faithfulness of his Ambassadors; and in a word, as they would not be found accessory to, & guilty of all these innumerable Evills of *Sin, Scandall & Inconveniency* (whereof we have mentioned severall in the preceeding discourse) that are either implied in, or doe natively follow upon this way of pactioning. It is Likewise thought fit, That the same be communicated by you to others as you shall see needfull & convenient: And though we have no pleasure in contending, far less in divulging our Differences, yet it is found necessary to make this known at this time, for these (among many other) urgent Reasons 1 The clear Conviction, we have of the many Evills & sad tendency of complying with this new device, as you may see in the abovemention'd Arguments. 2 That this is a time wherein, as there hath been, so there is still a continued & impetuous torrent of infecting Defection, and many alas! already, & moeyst like to be carried down with it. 3 The firme perswasion we have of that excellent & clear (though now much controverted & contradicted) truth, that *Iesus Christ the Mediator is the alone King & supreme Governour in & over his own House & Ordinances.* 4 The sense we have, & ought to have, of the many & grievous Inroachments & Invasions which have been made upon this his Royall Prerogative, & our so ready cedings to, & silence therat. 5 In particular, the multiplied experiences we have already had of the bad fruits and fatal effects of closing with the two-fold or Indulgences, too much approving of & conniving at the same; and our not indeavours to the furthest length of

duty to have prevented Compliance therewith by a seasonable, plain & publick
 Protestation against it. 6, That such as will not despise, may yet have timely
 warning to hold off from involving themselves in this, or any other the like snares
 for the future. 7, That the further offending of the already offended & afflicted
 Remnant (thorow our sinfull silence & more sinfull compliance with such Courses)
 may be prevented so far as in us lyeth. 8, That this poor Mite may be added
 to all the preceeding Testimonies of the Lords servants, & a witnes continued in
 this Church against such steps or Courses of Defection. 9 Because most of the
 dissentient Bretheren were not present at the passing of the fore-mentioned *Vote*
 (being either off the town at that time, or even these who were in it not so much as
 advertised that such a *Vote* was intended, which upon what account was neglected,
 is best known to the *Assemblers*;) but were altogether surprized with it. And
 since we have (I know not by what sort of preposterous *Prudence*) so unhappily
 let slip the most proper & pertinent season of entering a Verball joyned Testimony
 against *that Vote & Bond*, and have not kept such a proportion betwixt our
 dissentings and their votings & bondings, as should have been equivalent to a
misb'nding them to their face wherein they were to be blamed; Therefore now we
 find our selves the more necessitat to give some publick signification of our Re-
 sentment of this step of Defection by (at least) a paper-Testimony, for rubbing off
 (so far as is possible) the Reproach that we have procured to be cast upon us,
 through our so long forbearance of, & flinching from so laudable & necessary
 a duty. 10, And so much the rather That some have taken the Confidence to
 publish severall Arguments whereby they essayed to prove this Bonding not on-
 ly to be lawfull but a laudable duty, yea & expressly commanded by God in
 his Word, as may be seen in a Paper called *Plea's for peaceable living*; There is
 also one invective & sarcastick paper, or rather a scurrile and scolding pamphlet
 (pardon the picquantnes of the phrase since it is extorted & the thing deserves
 a sharper *stigma*) compound of Queries containing something to this purpose,
 but in effect it is scarce worth the naming or noticing, being a piece wherein the cla-
 morous & carping *Querier* (the Author) hath bewrayed so much passion, pe-
 dantry & (if we may tell the truth as it is) manifest mendacity, by fastening gro-
 undless calumnies & nottous falsehoods upon his adverse Party, That I am per-
 suaded his own Associates & greatest pleaders for the Bond, will (if they con-
 sult the advantage of their Cause) be ashamed to own such a shameless & stonde-
 rous Satyre, which seeing it is for most part stuff'd with private & personal re-
 flections, I leave to be cognosced by these who finde themselves most con-
 cern'd to answer it. 11. Because there is such a hideous Clamour & out-cry
 against all these who (by adhering to their sworn Presb. principles & the known
 practice of our worthy & zealous Ancestours in times of such backsliding &
 Corruption). doe testify their dissent from this Bond & the Late *Vote* for the
 same, as being *Separatists, Autocrats, Fomentors of division, heady, self-willed, mal-
 contented, implacable, blind zelotes, Ignorant Scruplers*, and even such as CANNOT
 GIVE A REASON for dissenting from their banded brether in this business; and
 that although these Voting Bretheren in plain termes declared they FOUND NO
 REA-

REASON why people might not give this Bond for Ministers, yet they may now see & know that their dissenting Bretheren found so much *Reason* against it as not only doth fully clear & satisfyingly convince their own Consciences of the sinfulness thereof, but may be sufficient also to render the same justly to be dis-liked, yea detested by every honest & true hearted Presbyterian & Covenanted Son of the Reformed Church of Scotland. 12. Severall other means were used & essayed for dis-suading and reclaiming the voting & Bonding Bretheren from ingaging or continuing in these divided & dividing practices, but have not proven effectual. 13. Because of the imminent danger we are now in of being overwhelmed again with Antichristian darknes, & redacted to that old Babylonish bondage & superstition (out of which our zealous & Renowned Reformers had wrestled thorow to many difficulties & discouragements, who not only peremptorily refused to bring their Ministry into such bondage as by this Bond is requisite of the Bonders, but also faithfully & plainly protested against the least appearance or signe of subjection that the Enemy required of them in the matters of their Ministry) by the blood-thirsty *Papists*, who take no little incouragement by these divisive degenerate & un-presbyterian like practices (which they see so many formerly zealous Presbyterians fallen upon) to carry on their hell-hatch't & pernicious Plotts against all who will not worship the *Beast* & receive his mark. And though some of the Pleaders for, & Favorites of this new pretended ill-favour'd favour are pleased to turn this Consideration into a Motive & argument to unite with them in these by-ways of theirs for strengthening us against that Common Enemy, and that our refusing to comply therewith is the very way to weaken both our Cause & Party; yet how incontrovertibly true is the contrare (both from what hath been already said, & will (we fear) be more sadly & shamefully discovered by the event) if there be any truth in that, Prov. 10: 29. *The way of the Lord is strength to the upright* or in that, Job. 17: 9. *he that hath clean hands* (how weak soever or witless he be accounted by the Wits of this world) *shall be stronger & stronger* or in the Connexion betwixt these two 1 Thess. 5: 21, 21. *to hold fast that which is good, & to Abstain from all appearance of evil*. And though we should be esteemed in this to be weak yet are we strong; Nay, *when we are (thus) weak, then are we strong*. 14. That it seemes now evident, the Lord is at hand & cometh out of his place to plead the long dependent Controversy of Zion, to punish the Inhabitants of the Earth for their iniquity, to avenge the quarrell of his broken & burnt Covenant, to make inquisition for the blood of his Martyres, and to call all of us to give an Account of our wayes, and particularly what hath been our carriage in reference to owning or disowning of him or his Interests, during all the time of this dismal & growing Defection, when our mincings, excusings, shiftings, subtle or supple Evasions & partial palliations will be of little value or significancy toward off the strokes of our highly offended & jealous God. And *lastly*, That at least we may bereby in some measure exoner & discharge our own Consciences before God & the World by thus testifying our dis-like & dissatisfaction with these &

the like Courses; & more particularly, against this *divisive Design*, driven on by these dolefull *Ludgences* & may obtain mercy in the Day of the Lords *Avenge* & fast-approaching wrath.

I shall shut all up only with a few Scriptures worthy to be pondered & improved in our practice this day, when upon the one hand there is so little regard to the grieving & offending of the *Little Ones*, and on the other, such readines so stumble & be offended when occasion is given. First then, for guarding against giving of Offence, let these few Scriptures be Considered: Matth. 18: 7. *Wo unto the world because of Offences; yea, wo unto that man by whom the Offence cometh.* 1 Cor. 10: 32. *Give none offence, neither to the Jews, nor to the Gentiles nor to the Church of God.* Rom. 14. 13, 21. *Let us not therefore judge one another any more, but judge this rather, That no man put a stumbling block or an occasion to fall in his brother's way. It is good neither to eat flesh nor to drink wine nor ANY THING whereby thy brother stumbleth, or is offended, or is made weak* 2 Cor. 6: 3 4 *Giving no offence* (let Ministers hearken to this, for it chiefly concerns them) *that the Ministry be not blamed, but in all things approving our selves* (read but the following verses of that Chapter, & ponder the particulars wherein Ministers ought to approve themselves) *as the Ministers of God &c.* 1 Cor. 8: 9. *But take heed lest by any means this Liberty of yours* (even though abstractedly from scandall it were sinless, as this spoken of in the Text is, which the Liberty granted both in the former & latter Indulgence is not, as above) *become a stumbling block to these that are weak &c.* 12. *But when ye sin against the brethren & wound their weak Conscience, ye sin against Christ.* And to this purpose I would recommend that Rule of Amelius de Consc. Lib. 5. Cap. 11. Quest. 6. Resp. 3. *To prevent scandalizing of the Little ones* (saith he) *all these things ought to be done or forborn which may be done or forborn without sin.* Secondly, for guarding against stumbling or being offended, though occasion thereto be given, I shall only adde these following Pl. 119: 165. *Great peace have they which love thy Law, & nothing shall offend them.* Hos. 4: 15. *Though thou Israel play the Harlot, yet, let not Judah offend, or transgresse.* Matth. 11: 6. *And blessed is he whosoever shall not be offended in me: yea, it is given as the Character of him who received the seed into stony places* (Matth. 13: 21) i.e. of a fruitless & temporary professor, that when tribulation or persecution ariseth because of the word, by & by he is offended. Prov. 10 9. *He that walketh uprigthly walketh surely; that is, he shall not stumble or be offended, or as it is chap. 28: 18. he shall be saved.* Prov. 13: 6. *Righteousnes keepeth him that is upright in the way,* and Chap. 15: 19. *The way of*

of the Righteous is made plain. Job. 17: 9. The Righteous also shall hold on his way, & he that hath clean hands shall be stronger & stronger. And in order hereto Trust in the Lord with all thine heart, & lean not to thine own Understanding Prov. 3: 5. and verse 6. In all thy wayes acknowledge him, & he shall direct thy paths. Keep sound wisdom and discretion Prov. 3: 21. 23. then shalt thou walk in thy way safely, & thy foot shall not stumble. For yet a little while (Heb. 10: 37, 38.) and he that shall come, will come, & will not tarry. Now the just shall live by Faith, but if any man shall draw back, my soul shall have no pleasure in him. Rev. 16. 15. Behold I come as a thief, blessed is he that keepeth his garments, least he walk naked, & they see his shame. And Rev. 22: 20. He which testifieth these things, saith, surely I come quickly Amen. Even so come Lord Iesus.

Now into him that is able to keep you from falling & present you faultlesse before the presence of his glory with exceeding joy, To the only wise God our Saviour, be glory & majesty, dominion & power, both now & for ever, Amen. Jud. vers 24.

25.

Diligite homines, interficite errores; sine superbia de veritate presumite; sine servitia pro veritate curate: Orate pro eis quos redarguitis & convincitis. Augustin. Lib. 1. Contra Epist. Periliani.

Nullus est pudor ad meliora transire. Ambros. ad Valentinianum Imper. Epist. 31. Et satius est (ut ait Lucianus) recurrere quam male currere.

Non est Levitas a cognito & damnato errore discedere; sed ingenuè fatendum, aliud putavi, deceptus sum: hac vero superba stultitia perseverantia est, quod semel dixi (vel feci) qualecunque est, fixum ratumque sit. Seneca Lib. 4. de Benef. cap. 38.

Melius est pro pietate Dissidium quam Concordia fucata. Nazianzenus Orat. 1. de Concordia

Si autem de Veritate sumitur scandalum, utilius est ut scandalum oriatur, quam veritas relinquatur. Bernard. ex Greg. Mag. hom. in Ezech.

Præstantius est pro veritate pati supplicium, quam pro adulatione ferre beneficium. P. Voet. Jurisprud. sacra

Ut Atagen aliàs vocalis, captus obmutescit; ita quibusdam servitus adimittit vocem qui liberi loquebantur libere Erasmi. Simil.

Remedia quamvis statim mordeant vel offendant, postea tamen salutem conferunt ac voluptatem; ita salubria monita initio sunt nonnihil amara, postea Correctio jucundissima. Plutarchus.

Errata.

P. 1. l. 19. r. *it*. p. 6. l. 11. r. *way of* p. 7. l. 13. r. *ly specially*. p. 14. l. 27. r. *ow to* p. 15. l. 32. r. *peaceably*. p. 18. l. 16. r. *as true*. p. 21. l. 3. r. *far*. p. 23. l. 2. r. *to*. p. 25. l. 24. r. *solely*. p. 26. l. 29. r. *Complying*. p. 28. l. 7 & 8. their. r. *there*. l. 12. r. *therin*. p. 29. l. 1. r. *greatest* p. 31. l. 35. r. *speeches*. p. 33. l. 41. r. *herba*

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